



4/11

THE  
UNIVERSITY  
OF  
WARWICK  
LIBRARY

10

THE  
GOVERNING CHARTER  
OF THE BOROUGH OF  
WARWICK,

5 WILLIAM and MARY, 18 *March*, 1694.

WITH A LETTER TO THE BURGESSES  
ON THE PAST AND PRESENT STATE OF  
THE CORPORATION.

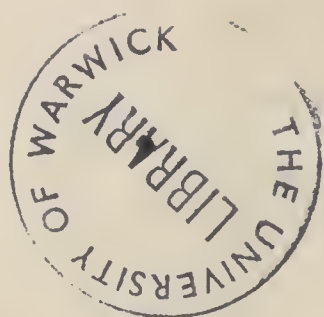
BY JOSEPH PARKES.



*Seal of the Borough, A.D. 1619.*

LONDON:  
PUBLISHED BY BALDWIN, CRADOCK, AND JOY.

—  
MDCCCXXVII.



78-148758

[abv]  
DA  
670.83  
W3

Printed by ARTHUR TAYLOR, Basinghall Street.



TO

HENRY BROUGHAM, ESQ. M.P.

THE DISTINGUISHED ADVOCATE

OF PUBLIC EDUCATION

AND OF THE HONEST ADMINISTRATION OF

BRITISH CHARITIES,

THESE PAGES ARE INSCRIBED,

BY HIS OBLIGED SERVANT AND FRIEND,

THE AUTHOR.

“ The general *duties* of all bodies politic, considered in their Corporate capacity, may, like those of natural persons, be reduced to this single one, —that of acting up to the end or design, whatever it be, for which they were created by the Founder.—Corporations being composed of individuals, subject to human frailties, are liable, as well as private persons, to deviate from the end of their institution.” —*Blackstone's Commentaries, book I. chap. 18, Of Corporations.*

## ADVERTISEMENT.

---

THE publication of the present pamphlet originated in the general and long-continued dissatisfaction of the Burgesses with the state and management of the Corporation; but more particularly in the recent proceedings for a *Mandamus* to displace the Ex-Mayor, Mr. Wilmshurst, and the pending legal proceedings to remove certain members of the corporate body. The Author has, for a long period, bestowed a laborious and expensive research into the Charters, Records, Charities, Rights, and Franchises of his native town; this is only mentioned as a proof that these pages, though hastily written, are not the result of partial inquiry or of temporary excitement. When he, some years since, commenced that investigation, he could nowhere discover a single printed or manuscript document, or a particle of information on the object of his research—his municipal birth-

rights ! The difficulty and expense he has had in obtaining the information which is here briefly but accurately given, assure him that the publication of the present pages cannot but be acceptable to the Burgesses, more especially as it is at this time peculiarly useful and required.

Of the liberties and inheritances of the Burgesses it has been his object to give an honest and impartial account, divested of all party spirit and unnecessary personality, but fearlessly allowing facts to speak for themselves. If the Corporation sincerely desire to stand well with the town, and to clear themselves from the long-existing imputations of misconduct, the desire can only be accomplished by the Burgesses rightly understanding their borough privileges, and *how* they have been administered : in *that* case, the Corporation must be highly obliged by the present publication. But if the system of SECRECY, which has hitherto invariably characterized the proceedings of the CORPORATION of WARWICK, be sought to be maintained, the Author pleads guilty to the offence of breaking open the doors of privacy, and rejoices that the following pages



convey that information, and will excite that inquiry and attention, which must infallibly occasion a speedy and complete change of system.

PUBLICITY is the best and only effectual safeguard of integrity in PUBLIC TRUSTS ; and where it is discouraged and evaded, some inconsistent and sinister objects probably exist which render the application of the principle inexpedient and inconvenient to those who “ *light their candle and put it under a bushel.*” The municipal funds of Corporations are the property of the Inhabitants and Burgesses : the members and executive bodies of Corporations are the trustees and servants of the Public ; and it is a *modern* doctrine, that trustees are not responsible for their deeds, and that servants may conceal their acts from their masters. The members of this and of all other elective Corporations are, or should be, selected from the BURGESSES at large, for their probity and public experience : they are the representatives of the aggregate body interested in the objects of the trusts ; and they ought not to have any interest or object incompatible with the public weal.



Unless the Public honestly use and maintain the rights they possess, however limited, they cannot justly claim an extension of power. We must use well that which we have, before we are entitled to what we have not. Reform should begin at home.

When the following sheets were first printed, the Author did not intend to have placed his own name in the title-page, but having no desire or intention of shielding himself from any legal or personal responsibility, he thinks, on consideration, that it is the more manly and honourable course to affix it. If any mis-statement, misrepresentation, or omission be pointed out, he will publicly acknowledge and rectify his unintentional error; for in these pages he has no object besides that of PUBLIC ADVANTAGE.

BIRMINGHAM,  
*15th February, 1827.*

THE  
GOVERNING CHARTER  
OF THE BOROUGH OF  
**Warwick,**

5 WILLIAM and MARY, 18th March, 1694.

CHARTER.

TRANSLATION.

Tertia pars Paten' de anno R.  
R<sup>o</sup> et R<sup>e</sup> Gulielmi et Ma-  
rie quinto.

1. REX et REGINA &c.  
Omnibus ad quos &c. saltm.

2. CUM Burgus noster War-  
wici in Com<sup>o</sup> n<sup>ro</sup> Warwici sit  
Burgus antiquus fuitq<sup>ue</sup> ac a  
tempore cujus contrar' me-  
moria ho<sup>rum</sup> non existit h<sup>ic</sup>ere  
consuevit duos Burgenses de  
eodem burgo ad quodlibet  
Parliament' infra hoc r<sup>egnum</sup>  
n<sup>ost</sup>rum 'Angl<sup>ie</sup> tent' sicut ceteri  
antiqui burgi ejusdem r<sup>egni</sup>  
n<sup>ost</sup>ri h<sup>ab</sup>ent et h<sup>ab</sup>ere consuever'.

1. WILLIAM and MA-  
RY, by the grace of God,  
King and Queen, &c. to  
all to whom, &c. send  
greeting :

2. Whereas our Bo-  
rough of Warwick in our  
County of Warwick is an  
ancient borough, and hath  
had from time immemo-  
rial, and hath been accus-  
tomed to have, two bur-  
gesses of the same bo-  
rough in every parliament  
held within this our king-  
dom, as other antient bo-  
roughs within our same  
kingdom have had and  
been accustomed to have.

3. Cumq̄ etiam inñitantes Burgi p̃d̃ci per diversas cartas et l̃ras paten' diversoꝝ progenitoꝝ et antecessoꝝ ñroꝝ nuper regum et reginaꝝ Angl̃ in unū corpus corporat' et politicum constitut' ordinat' et confirmat' fuer' tam per nōen Burgens' Ville Warwici in com' Warr' quam per nōen Batiij et Burgens' Burgi Warwici in com' Warr', ac etiam per nōen Major' Aldroꝝ et Burgens' Burgi Warwici in com' Warr', virtute quaꝝ quidm̃ cartaꝝ et l̃raꝝ paten' p̃dict' inñitan' sic incorporat' existen' diversa messuagia terras tentā rectorias decimas reddit' lib̃tat' franchises' privilegia iñmunitat' et al' hereditament' perquisiver' h̃uer' usi et gaviſi fuer', rōne quaꝝ quidem lib̃tat' et franchisesiaꝝ pax bene conservata fuit in burgo p̃dict' et justitia iñm legittime administrat' fuit ad premiū bonoꝝ et terroꝝ maloꝝ.

4. Nosq̄ melioračōn' burgi ñri p̃dict' et prosperam condičōn' populi ñri iñm habitan'

3. And whereas also the inhabitants of the borough aforesaid, by divers charters and letters patent of divers of our progenitors and predecessors, kings and queens of England, have been constituted, ordained, and confirmed into one body corporate and politic, as well by the name of Burgesses of the Town of Warwick in the County of Warwick, as by the name of the Bailiff and Burgesses of the Borough of Warwick in the County of Warwick, and also by the name of the Mayor, Aldermen, and Burgesses of the Borough of Warwick in the County of Warwick, by virtue of which said charters and letters patents the inhabitants, being so incorporated, have acquired, had, used, and enjoyed divers messuages, lands, tenements, rectories, tithes, rents, liberties, franchises, privileges, immunities, and hereditaments, by means of which liberties and franchises peace hath been well preserved in the borough aforesaid, and justice hath been there rightfully administered to the encouragement of the good and terror of the evil.

4. And we, graciously intending the welfare of our said borough and the prosperity of our people



graciose affectan' et volentes qđ de cetero imppetuū hēatur certus et indubitat' modus in eodm burgo de in et pro custod' pacis nre et regimine et gubernacōe ejusdm burgi et populi nri ibm habitan', sperantesq, quod si inhitan' burgi p̃dict' majoribus ex concessione nra gaudere poterint libtatibus et privilegijs tunc ad servitia que poterint erga nos heredes et successor' nros exhibend' et impendend' specialius fortiusq, se sentiant obligatos, De grā nra spīali ac ex certa sciencia et mero motu nris **VOLUIMUS** constituimus declaravimus ordinavimus et concessimus, ac per presentes **VOLUMUS** constituimus declaramus ordinamus et concedimus, qđ p̃dict' burgus noster Warwici sit et permaneat imposterū imperpetuū liber burgus de se, et qđ ōnes et singuli burgens' et inhitan' ejusdem burgi Warwici pro tempore existen' per quodcunq, nōen sive per quacunq, nōia ip̃i vel predecessores sui antehac incorporati fuer' vel

there; and being willing, that for the future there should be a certain and undoubted method in the said borough for the keeping of our peace and the good government and conduct of the same borough and of our people there inhabiting; and hoping that if the inhabitants of the said borough by our gracious concession enjoy their liberties and privileges, that then they will perform towards us, our heirs and successors, such services as they are in an especial manner obliged to do, Of our special grace and certain knowledge and mere motion we have willed, constituted, declared, ordained, and granted, and by these presents do will, constitute, declare, and grant, that our aforesaid borough of Warwick be and remain for ever hereafter a free borough of itself, and that all and singular the burgesses of the same borough of Warwick for the time being, by whatsoever name or names they or their predecessors have been heretofore incorporated or not, and whether the body corporate and politic of the borough aforesaid hath been at any time dissolved or not, and whether any of the liberties and privi-

Warwick  
to be a free  
borough.

non, et sive corpus corporat' et politicum burgi p̃dict' aliquo modo dissolut' sit sive non, et sive aliqua lib̃tates et privilegia p̃dict' perdit' sursum reddit' forisfact' vacat' sive extinct' fuer' vel sint sive non, de cetero et imperpetuū sint et erunt vigore p̃sentiū unū corpus corporat' et politicū in re facto et noīe per nōen Major' Aldrōz et Burgens' burgi Warwici in com' Warr', ac eos et successores suos p nōen Majoris Aldrōz et Burgens' burgi Warwici in com' Warr' unū corpus corporat' et politicū in re facto et noīe realit' et ad plenū pro nobis hered' et successor' ñris ERI-  
 May purchase lands  
 GIMUS facimus fundamus ordinamus constituim<sup>s</sup> declaramus et creamus per p̃sentes, et qđ p idem nōen h̃eant successionem ppetuam, et qđ ip̃i et successores sui p p̃d̃c̃m nōen Majoris Aldrōz et Burgens' burgi Warwici in com' Warr' sint et erunt perpetuis futur' temporibus persone habiles et in lege capaces ad h̃end' perquirend' recipiend' tenend'

leges aforesaid hath been lost, surrendered, forfeited, avoided, or extinguished or not, shall be for ever hereafter, by virtue of these presents, one body corporate and politic in deed, fact, and name, by the name of the Mayor, Aldermen, and Burgesses of Warwick in the County of Warwick; and them and their successors by the name of the Mayor, Aldermen, and Burgesses of the Borough of Warwick in the County of Warwick, a body corporate and politic in deed, fact, and name, we truly and fully, for ourselves and our successors, do erect, make, found, and ordain, constitute, declare, and create, by these presents; and that they shall have by the same name perpetual succession; and that they and their successors, by the aforesaid name of mayor, aldermen, and burgesses of the Borough of Warwick in the County of Warwick shall be for ever hereafter persons fit and capable in the law to have, acquire, receive, hold, and possess lands, tenements, liberties, privileges, franchises, jurisdictions, and hereditaments in fee and for ever, or for term of life or lives or otherwise howsoever,



et possidend' terras' teñta lib-  
tates privilegia franchises' ju-  
risdiccōn' et hereditament' eis  
et successor' suis in feodo et  
perpetuitate vel pro termīo  
vite vel vitaꝝ seu alitr' quo-  
quomodo, ac etiam bona et  
catalla ac ōes at̄ res cujus-  
cunq; fuerint generis nature  
sp̄iei seu qualitat', necnon ad-  
dand' concedend' dimittend'  
et assignand' eadē terras  
teñta hereditament' bona et  
catalla ac ōia at̄ facta et res  
faciend' et exequend' per nōen  
Major' Aldrōꝝ et Burgens'  
burgi Warwici in com' Warr';  
Et qđ per idem nōen p̄litare  
et impl̄itari respondere et re-  
sponderi defendere et defendi  
valeant et possint in quibus-  
cunq; curijs et locis ac coram  
quibuscunq; iudicibus justici-  
ar' ministr' et officiari' n̄ris  
hered' et successor' n̄roz in  
ōibus et singlis accōnibus  
sect' querel' p̄litis causis ma-  
terijs et demand' quibuscunq;  
cujuscunq; fuerint geñris na-  
ture sive speciei, modo et  
forma prout aliquod at̄ cor-  
pus corporat' et politicū infra

and also goods and chat-  
tels and all other things,  
of whatsoever kind, na-  
ture, sort, or quality they  
may be of; and also to  
give, grant, demise, and  
assign such lands, te-  
nements, hereditaments,  
goods, and chattels, and  
all other acts and things  
to do and perform, by the  
name of the mayor, alder-  
men, and burgesses of the  
Borough of Warwick in  
the County of Warwick;  
and that by the same name **May sue**  
they may plead and be **and be sued**  
impleaded, answer and be  
answered, defend and be  
defended, in all courts  
and places, and before  
any our judges, ministers,  
and officers, and of our  
heirs and successors, in  
all and singular actions,  
suits, complaints, pleas,  
causes, matters, and de-  
mands whatsoever, of  
whatever kind, nature, or  
sort they shall be, in such  
manner and form as any  
other body corporate and  
politic within this our  
kingdom of England may  
and can have, acquire, re-  
ceive, possess, give, grant,  
assign, plead, or be im-  
pleaded, defend or be de-  
fended, answer or be an-  
swered; and that the a- **Common**  
foresaid mayor, aldermen, **seal.**  
and burgesses of the bo-  
rough of Warwick afore-  
said, and their successors,  
may have for ever a com-

hoc n̄um n̄um Angl' h̄ere  
pquirere recipere possidere  
dare concedere assignare p̄fi-  
tare et impl̄itari respondere  
et responderi defendere et de-  
fendi possint et valeant; et  
quod p̄dict' major ald̄ri et  
burgens' burgi Warwici p̄dict'  
et successor' sui h̄eant imper-  
petuū cōe Sigillum pro causis  
et negotijs suis et successoꝝ  
suoꝝ quibuscunq; agend' de-  
servitur', et quod bene liceat  
et licebit eisdm majori ald̄ris  
et burgens' et successor' suis  
sigillum hūmoi ad libitum  
suū de tempore in tempus  
facere frangere et mutare et  
de novo facere prout eis me-  
lius fieri aut fore videbitur.

Mayor and  
twelve Al-  
dermen.

5. Et ulterius Volumus  
et per p̄sentes pro nobis he-  
red' et successor' n̄ris conce-  
dimus p̄fat' majori ald̄ris et  
burgens' burgi p̄dict' et suc-  
cessor' suis quod de cetero  
imperpetuū sit et erit in bur-  
go p̄dict' unus de magis pro-  
bioribus et discretioribus vi-  
ris burgi illius in forma infe-  
rius in his presentibus speci-  
ficat' de tempore in tempus

mon seal for the trans-  
acting of their affairs, and  
that it shall be lawful for  
the same mayor, alder-  
men, and burgesses, and  
their successors, the same  
seal from time to time at  
their pleasure to make,  
break, and change, and  
to make a new one, as to  
them shall seem proper.

5. And further we will,  
and by these presents, for  
ourselves, our heirs, and  
successors, we grant to the  
aforesaid mayor, alder-  
men, and burgesses of the  
borough aforesaid, and to  
their successors, that for  
ever there shall be in the  
borough aforesaid one of  
the more honest and dis-  
crete men of that borough  
who shall be from time to  
time named, elected, and  
chosen, from the alder-  
men of the borough afore-  
said for the time being, in



ex ald̄ris burgi p̄dict' pro tempore existen' noīand' eligend' et constituend' qui erit et noīabit Major burgi illius, et portabit album baculum infra burgum p̄dict' prout antehac usitat' fuit per majores burgi p̄dict' qui temporibus retroactis fuer'; Quodq; si sit imperpetuū sint et erunt infra burgum ist' tresdecim de magis probioribus et discretioribus viris ejusdem burgi in forma inferius in his presentibus menconat' de tempore in tempus noīand' eligend' et constituend' qui erunt et nominabunt Ald̄ri burgi illius.

6. Et pro meliori execucon' voluntat' et concession' n̄raz in hac parte assignam<sup>s</sup> noīamus constituimus et facimus dīscum nobis Ed̄rum Heath gen' fore et esse virtute p̄sentīū primū et modernū Major' burgi p̄dict', continuand' in eod̄m officio quousq; unus ald̄roz ejusdem burgi ad et in d̄cm officiū major' burgi p̄dict' in forma inferius in his p̄sentibus menconat' debite elect' p̄fect' et jurat' fuerit, si idem

manner hereafter in these presents specified, who shall be and shall be called Mayor of the Borough, and he shall carry a white staff within the borough aforesaid, as hath been heretofore accustomed by those who have been heretofore mayors of the borough aforesaid; and that there shall be likewise for ever within the same borough thirteen of the more honest and discrete men of the same borough to be from time to time nominated, elected, and chosen, in manner hereinafter in these presents mentioned, who shall be called Aldermen of that borough.

6. And for the better Mayor execution of our will and <sup>named.</sup> grant, we do assign, nominate, constitute, and make our beloved Ed. Heath, gent. to be by virtue of these presents the first and modern mayor of the borough aforesaid, to continue in the said office until one of the aldermen of the same borough shall be duly elected, chosen, and sworn into the said office of mayor of the borough aforesaid, in manner hereinafter in these presents mentioned, if the same Ed. Heath

Edr̃us Heath tamdiu vixerit,  
eodem Edr̃o Heath prestante  
sacr̃um suū corporale ad offic'  
major' burgi p̃dict' bene et  
fidelit̃r exequend' coram dīfco  
nobis Thoma Newsham armi-  
gero, cui quidm' Thome News-  
ham plenam potestat' et au-  
thoritat' ad h̃m̃oi sacr̃um  
dand' et administrand' da-  
mus et concedimus per p̃-  
sentes.

Nomina-  
tion of the  
first thir-  
teen alder-  
men.

7. Assignavimus etiam no-  
iavimus constituimus et fe-  
cimus ac per p̃sentes assign-  
amus nominamus constitu-  
im<sup>s</sup> et facimus dīfcos nobis  
Thomam Stratford Edr̃um  
Makepeace Jõhem Welton  
Edmund' Wilson Jõhem  
Hadley Thomam Gibbs Aa-  
ron Rogers Wittum Carver  
p̃fat' Edr̃um Heath Steph̃um  
Nicholls Josephum Blissett  
Samuel Weale et Devereux  
Whadcock gen' fore et esse  
virtute presentiū primos et  
modern' Aldr̃os burgi p̃dict',  
quoꝝ quilib̃t respective con-  
tinuabit in officio ald̃ri bur-  
gi p̃dict' duran' vita sua ñrali  
nisi interim abinde pro justa

shall so long live (the  
same Ed. Heath taking his  
corporal oath well and  
faithfully to execute the  
office of mayor of the bo-  
rough aforesaid, before  
our well beloved Thomas  
Newsham, esq. to whom  
we give by these presents  
full power and authority  
to administer the said  
oath.)

7. We have also as-  
signed, named, consti-  
tuted, and made, and by  
these presents do assign,  
name, constitute, and  
make our beloved Tho-  
mas Stratford, Edward  
Makepeace, John Welton,  
Edmund Wilson, John  
Hadley, Thomas Gibbs,  
Aaron Rogers, William  
Carver, the aforesaid Ed-  
ward Heath, Stephen Ni-  
cholls, Joseph Blissett,  
Samuel Weale, and De-  
vereux Whadcock, gent.  
to be, by virtue of these  
presents, the first and  
modern Aldermen of the  
borough aforesaid, each  
of whom respectively  
shall continue in the office  
of alderman of the bo-  
rough aforesaid during his  
naturall life, unless he shall  
be in the mean time for  
just cause from thence  
removed (every of them



causa debet' amot' fuerit, quolibet eorum respective prestante sacrum suum corporale ad officium alderi burgi predicti bene et fideliter exequend' coram prefato Thoma Newsham et Willo Eades clerico sive eorum altero, quibus conjunctim et divisim plenam potestatem et auctoritatem ad humores sacrum singulis primis alderis predicti respective dand' et administrand' damus et concedimus per presentes: quodque quilibet alderorum habeat locum precedentiam et senioritatem sicut notatur in his presentibus.

8. Ulterius etiam per presentes pro nobis hered' et successor' nostris damus et concedimus prefato majori alderis et burgens' burgi predicti quod de cetero imperpetuum sint et fuerint infra burgum istum duodecim alij de magis probioribus et discretioribus viris ejusdem burgi in forma inferius in his presentibus mencionat' de tempore in tempus nominand' eligend' et constituend' qui erunt et nominabuntur Assistentes Burgenses burgi pre-

respectively taking his corporal oath well and faithfully to execute the office of an alderman of the borough aforesaid, before the aforesaid Thomas Newsham and William Eades, clerk, or either of them, to whom we give by these presents, jointly and severally, full power and authority to administer the said oath to every one of the aforesaid first aldermen), and that every one of such aldermen shall take place precedence and seniority as they are named in these presents.

8. And we also further <sup>Assistant</sup> give and grant by these <sup>Burgesses.</sup> presents, for ourselves, our heirs and successors, to the aforesaid mayor, aldermen, and burgesses of the borough aforesaid, that for ever hereafter there may and shall be within the said borough twelve other of the more honest and discreet men of the same borough to be from time to time named, elected, and appointed, in manner hereinafter in these presents mentioned, who shall be called Assistant Burgesses of the borough aforesaid; and for the better execution of our



Nomina-  
tion of the  
first twelve  
assistant  
burgesses.

dict'. Ac pro meliori execu-  
tione voluntatis et concession'  
noſtrę in hac parte assigna-  
mus nominamus constitui-  
mus et facimus diſcos nobis  
Joſhem Jervys sen' Henſum  
Falkener Riſum Comby Tho-  
mam Watts Thomam Hicks  
Carolū Hicks Thomam Man-  
der Riſum Hands piſtor Jo-  
ſhem Savage jun' Edmū Norton  
Riſum Moody et Riſum  
Hands braſiator fore et eſſe  
virtute preſentiū primos et  
modernos Aſſiſten' Burgens'  
burgi p̄dict', et quemlibet eoꝝ  
fore et continuare in tali ſe-  
nioritate precedentia et ſta-  
tione quā in his preſentibus  
nominatur; quodq; eoꝝ qui-  
libet reſpective continuabit in  
eodem officio duran' vita ſua  
noſtrali niſi interim abinde pro  
juſta cauſa debit' amot' fue-  
rit, quolibet eoꝝ per ſe re-  
ſpective preſtante ſacrum ſuū  
corporale ad officiū ſuū p̄dict'  
bene et fidelit' exequend' co-  
ram p̄fat' Edmō Heath et  
Thoma Newſham ſive eoꝝ  
alter', quibus conjunctim et  
diviſim plenam poteſtat' et

will and grant in this be-  
half, we aſſign, name, con-  
ſtitute, and make our  
well beloved John Jervis,  
ſen., Henry Falkener,  
Richard Comby, Thomas  
Watts, Thomas Hicks,  
Charles Hicks, Thomas  
Mander, Richard Hands,  
baker, John Savage, jun.,  
Edward Norton, Richard  
Moody, and Richard  
Hands, maltſter, to be, by  
virtue of theſe preſents,  
the firſt and modern Aſ-  
ſiſtant Burgesses of the  
borough aforeſaid, each of  
them to be and continue in  
ſuch ſeniority, preceden-  
cy, and ſtation as is named  
in theſe preſents, and that  
each of them ſhall re-  
ſpectively continue in the  
ſame office during his na-  
tural life, unleſs in the  
mean time he ſhall be  
thenceforth for juſt cauſe  
lawfully removed, every  
one of them reſpectively  
taking their corporall oaths  
well and truly to execute  
ſuch office aforeſaid be-  
fore the aforeſaid Edward  
Heath and Thomas New-  
ſham, or one of them, to  
whom we give and grant  
by theſe preſents full pow-  
er and authority, jointly  
and ſeverally, to admi-  
niſter ſuch oath to each  
of the aforeſaid aſſiſtant  
burgesses reſpectively.

authoritat' ad h̄moi sac̄rum  
singulis primis assisten' bur-  
gens' p̄dict' respective dand'  
et administrand' damus et  
concedimus per presentes.

9. Ac ulterius volumus ac  
per p̄sentes pro nobis here-  
dibus et successor' n̄ris con-  
cedim<sup>s</sup> p̄fat' major' ald̄ris et  
burgens' burgi p̄dict' et suc-  
cessor' suis quod ipsi et suc-  
cessores sui de cetero imper-  
petuū h̄eant et h̄ebunt infra  
burgum p̄dict' unū discretū  
et idoneū virum qui erit et  
nominabitur Recordator bur-  
gi p̄dict', et continuabit in  
offic' ist' duran' vita sua n̄rali,  
et exerceat et exercere valeat  
officiū p̄dict' per se vel per  
deputat' suū sufficien'; et u-  
num virum in legibus Angl̄  
erudit' qui erit et nominabitur  
Cōis Cl̄icus burgi p̄dict', qui  
constituetur et nominabitur  
per recordator' burgi p̄dict'  
pro tempore existen', et ex-  
ercebit officiū suū per se vel  
deputat' suū sufficien', et con-  
tinuabit in offic' ist' quamdiu  
recordator burgi p̄dict' pro  
tempore existen' placuerit.

9. And we further will, Recorder.  
and by these presents, for  
ourselves, our heirs and  
successors, grant to the  
aforesaid mayor, alder-  
men, and burgesses of  
the borough aforesaid,  
and to their successors,  
that they and their suc-  
cessors may and shall for  
ever hereafter have, with-  
in the borough aforesaid,  
a discrete and fit person  
who shall be and shall  
be called Recorder of the  
borough aforesaid, and  
shall continue in that of-  
fice during his natural  
life, and shall and may  
exercise the office afore-  
said by himself or by his  
sufficient deputy; and one  
man skilled in the laws <sup>Town</sup>  
of England, who shall be <sup>Clerk.</sup>  
and shall be called Com-  
mon Clerk of the borough  
aforesaid, who shall be  
named and appointed by  
the Recorder of the bo-  
rough aforesaid for the  
time being, and shall ex-  
ercise his office by himself  
or his sufficient deputy,  
and shall continue in such  
office so long as it shall  
please the recorder of the  
borough aforesaid for the



Fulke Lord  
Brooke first  
recorder.

Et pro melior' execucon' voluntat' et concession' nri in hac parte assignavim<sup>s</sup> nominavimus constituimus et fecimus ac per p'sentes assignamus nominamus constituimus et facimus p'dicti nobis Fulcon' Dñum Brooke fore et esse primū et modernū Recordator' burgi p'dict', eodem Dño Brooke prestante sacrm suū corporale ad officiū illud bene et fidelit' exequend' coram p'fat' Edrō Heath vel alio majore burgi p'dict' pro tempore existen', quibus respective plenam potestat' et auctoritat' ad hñmoi sacrm dand' et ministrand' damus et concedimus per presentes. Assignavimus etiam nominavimus constituim<sup>s</sup> et fecimus ac per p'sentes assignamus nominamus constituimus et facimus p'fat' Thomam Newsham fore et esse vigore p'sentiū primū et modernū Cōm Cficum burgi p'dict' duran' beneficio recordator' p'dict', eodem Thoma Newsham exercen' officiū suū p'dict' per se vel per deputat'

Thomas  
Newsham  
first town  
clerk.

time being ; and for the better execution of our will and grant in this behalf we have assigned, nominated, constituted, and made, and by these presents do assign, nominate, constitute, and make our beloved Fulke Lord Brooke to be the first and modern recorder of the borough aforesaid, the same Lord Brooke taking his corporal oath well and truly to execute such office before the aforesaid Edward Heath, or any other mayor of the borough aforesaid for the time being, to whom respectively we give and grant by these presents full power and authority to give and administer such oath : We have also assigned, named, constituted, and made, and by these presents do assign, name, constitute, and make the aforesaid Thomas Newsham to be, by virtue of these presents, the first and modern common clerk of the borough aforesaid during the pleasure of the recorder aforesaid, the same Thomas Newsham exercising his aforesaid office by himself or his sufficient deputy, and both of them taking their corporal oath well and truly to execute such offices respectively before the aforesaid Edward

suū sufficien', et utroq<sup>q</sup> coꝝ  
 p̃stante sac̃rum suū corporale  
 ad offic' itt respective bene  
 et fidelit<sup>r</sup> exequend' coram p̃-  
 fat' Edr̃o Heath vel seniori  
 aldr̃o burgi p̃dict', quibus ple-  
 nam potestatem et authori-  
 tat' ad h̃m̃oi sac̃ra dand' et  
 administrand' conjunctim et  
 divisim damus et concedimus  
 per p̃sentes.

10. Ac volentes p̃dict' cor-  
 pus corporat' ppetuam fieri  
 duration' Nos promeliori con-  
 tinuac̃on' ejusd̃m et ea inten-  
 c̃one quod major recordator  
 aldr̃i assisten' burgenses de-  
 putat' recordator et cōis cli-  
 cus burgi p̃dict' respective  
 f̃eant de tempore in tempus  
 quando opus fuerit idoneos  
 successor', de amplior' g̃ra ñra  
 sp̃iali ac ex certa sciencia et  
 mero motu ñris pro nobis he-  
 red' et successor' ñris per pre-  
 sentes volumus et concedi-  
 mus p̃fat' majori aldr̃is et bur-  
 gensibus burgi p̃dict' et suc-  
 cessor' suis quod p̃dict' Edr̃us  
 Heath fuerit et continuave-  
 rit Major burgi p̃dict' usq<sup>q</sup>  
 festum Omniū Sanctoꝝ prox-

Heath or the senior al-  
 derman of the borough  
 aforesaid, to whom, joint-  
 ly and severally, we give  
 and grant by these pre-  
 sents full power and au-  
 thority to give and admi-  
 nister such oath.

10. And willing that  
 the aforesaid body cor-  
 porate should have per-  
 petual duration, we, for  
 the better continuation of  
 the same, and to the in-  
 tent that the mayor, re-  
 corder, aldermen, assist-  
 ant burgesses, deputy re-  
 corder, and town clerk  
 of the borough aforesaid  
 may have respectively,  
 from time to time, fit  
 successors, as often as  
 may be necessary, of our  
 more ample and special  
 grace, and from our cer-  
 tain knowledge and mere  
 motion, for ourselves, our  
 heirs, and successors we  
 by these presents will  
 and grant to the afore-  
 said mayor, aldermen, and  
 burgesses of the borough  
 aforesaid, and their suc-  
 cessors, that the aforesaid  
 Edward Heath shall be  
 and continue mayor of  
 the borough aforesaid un-



im' sequen' dat' presentiū et  
 abinde quousq, unus aldřoř  
 ejusdem burgi ad dict' offic'  
 major' burgi p̃dict' debite e-  
 lect' p̃fect' et jurat' fuerit si ip-  
 se tam diu vixerit, nisi int̃im  
 pro aliqua liřtima causa amot'  
 fuerit; quodq, bene liceat et  
 licebit majori aldřis et assi-  
 sten' burgens' burgi p̃dict' pro  
 tempore existen' vel majori  
 parti eoř annuatim et quot  
 anno de cetero imp̃m in  
 festo S̃ci Mich̃is arch̃i, nisi ac-  
 ciderit festū iřt fore diem dñi-  
 cum et tunc die proxim' se-  
 quen' idm festū, int' horas no-  
 nam ante meridiem et duo-  
 decimam in meridie ejusdem  
 diei in magna aula infra bur-  
 gum p̃dict' vocat' *le Shire Hall*  
 aut aliquo at loco convenien'  
 infra burgum p̃dict' per major'  
 burgi p̃dict' pro tempore ex-  
 isten' aut in ejus defectu tunc  
 per aldřos burgi p̃dict' aut  
 majorem partem eořdem as-  
 signand' convenire et assem-  
 blare, super qu' major et al-  
 dři burgi p̃dict' ad tunc et iřm  
 p̃sen' vel major pars eoř, vel  
 in absencia major' tunc major

The mayor,  
 aldermen,  
 and assist-  
 ant bur-  
 gesses to  
 assemble at  
 the shire  
 hall yearly  
 at michael-  
 mas, when  
 the mayor  
 and alder-  
 men to no-  
 minate two  
 aldermen  
 before and  
 in the pre-  
 sence of the  
 burgesses  
 at large for  
 their elec-  
 tion of new  
 mayor, &c.

til the feast of All Saints  
 next following the date  
 of these presents, and  
 thenceforward until one  
 of the aldermen of the  
 same borough shall have  
 been duly elected, chosen,  
 and sworn into the afore-  
 said office of mayor of the  
 borough aforesaid, if he  
 shall so long live, unless  
 in the mean time he shall  
 have been removed for  
 any lawful cause; and  
 that it shall and may be  
 lawful for the mayor, al-  
 dermen, and assistant  
 burgesses of the borough  
 aforesaid for the time be-  
 ing, or the major part of  
 them, annually and every  
 year for ever hereafter,  
 upon the feast of St. Mi-  
 chael the Archangel, un-  
 less such feast shall have  
 happened upon a Sunday,  
 and then upon the day  
 next following the same  
 feast, between the hours  
 of nine in the morning  
 and twelve in mid-day of  
 the same day, in the great  
 hall within the borough  
 aforesaid called the Shire  
 Hall, or any other conve-  
 nient place within the  
 same borough, to be  
 fixed upon by the mayor  
 of the borough aforesaid  
 for the time being, or on  
 his default then by the  
 aldermen of the borough  
 aforesaid, or the major  
 part of them, to meet and  
 assemble: whereupon the



pars aldřoř burgi p̃dict' sic assemblat' existen', noĩabunt et assignabunt in p̃sencia omniũ burgens' burgi p̃dict' ad tunc assemblat' duos de tunc aldři burgi p̃dict' quoř neuter execut' fuerit officiũ major' burgi p̃dict' infra duos annos antetunc, altr' p̃sent' fore candidat' aldřos pro p̃dict' offic' major' burgi p̃dict'; et supinde omni' burgens' burgi p̃dict' ad tunc et ibĩ p̃sen' preter major et aldřos ejusdem burgi vel major pars eoř nominabunt et eligent unũ de eisdem candidat' aldřis fore et esse p̃ficiend' in offic' major' burgi p̃dict' in fest' Omn' Sanctoř tunc pxim' sequen', que quidem persona sic elect' officiũ major' burgi p̃dict' in eodem festo super se suscipiet et sacřum suũ corporale ad officiũ major' burgi p̃dict' bene et fidelitr' exequend' p̃stabit coram tunc major' et recordator' burgi p̃dict' vel ejus deputat' ac senior' aldřo in burgo p̃dict' tunc residen' pro tempore existen' vel eoř aliqu', quibus

mayor and aldermen of the borough aforesaid then and there present, or the major part of them, or in the absence of the mayor, then the major part of the aldermen of the borough aforesaid, being so assembled, for the time being shall nominate and assign, in presence of all the burgesses of the borough aforesaid then assembled, two of the then aldermen of the borough aforesaid, neither of whom shall have executed the office of mayor of the borough aforesaid within two years then last past, to be candidate aldermen for the aforesaid office of mayor of the borough aforesaid; and thereupon all the burgesses of the borough aforesaid then and there present, except the mayor and aldermen of the same borough, or the major part of them, shall nominate and elect one of the same aldermen candidates to be and to be installed in the office of mayor of the borough aforesaid upon the feast of All Saints then next following, which said person so elected shall take upon himself the office of mayor of the borough aforesaid upon such feast, and shall take his corporal oath well and faith-

conjunctim et divisim plenam potestat' et authoritat' ad hñmoi sacrament' administrand' damus et concedimus per p'sentes, nisi ob aliquam sp'ialem causam per major' et aldñros burgi p'dict' vel major' part' eozdem approband' impedit' fuerit, et in tali casu tunc statim post hñmoi caus' amot' p'stabit sacrament' suū corporale ad officiū major' burgi p'dict' bene et fidelit' exequend' in forma p'dict'; qui quidm candidat' aldñrus sic nominat' elect' p'fect' et jurat' in officiū major' burgi illius erit major burgi illius a tempore sacrament' sui prestiti usq; ad et in festū Omniū Sanctoz extunc proximū sequen' si ipse tamdiu vixerit vel lītimo modo non amot' fuerit, et abinde quousq; unus alius de aldñris burgi p'dict' in forma p'dict' elect' p'fect' et jurat' fuerit in officiū illud.

fully to execute the office of mayor of the borough aforesaid before the then mayor and recorder of the borough aforesaid, or his deputy and the senior alderman for the time being then resident in the borough aforesaid, or either of them, to whom, jointly and severally, we give and grant by these presents full power and authority to give and administer such oath, unless he shall be prevented by any special cause to be approved by the mayor and aldermen of the borough aforesaid, or the major part of them, and in such case, then immediately after such impediment is removed, he shall take his corporal oath well and faithfully to execute the office of mayor of the borough aforesaid, in form aforesaid, which said candidate alderman so named, elected, chosen, and sworn into the office of mayor of that borough shall be mayor of that borough from the time of his oath so taken until and unto the feast of All Saints then next following, if he shall so long live and shall not be removed for any lawful cause, and thenceforth until another of the aldermen of the borough aforesaid shall be in



11. Et ulterius volumus ac per p̃sentes pro nobis hereditibus et successor' ñris concedimus quod quoties et quandoq; acciderit majorem burgi p̃dict' obire infra annū majorat' sui vel offic' illius incapacem devenire vel ab officio illo amotū esse (quem quidē major' pro tempore existen' se in officio illo non bene geren' aut infra burgū p̃dict' non iñstantem amobilem esse volumus per ald̃ros burgi p̃dict' pro tempore existen' vel major' part' eorūdem), vel si acciderit aliquem ald̃roꝝ burgi p̃dict' in officiū major' burgi p̃dict' debite elect' officiū illud recusare vel inde incapacem devenire vel obire antequam officiū illud in se susceperit, quod tunc et tocies unus alius de ald̃ris burgi p̃dict' in officiū major' burgi illius nominabit' eliget' et p̃ficiet' in aliquo convenient' tempore non exceden' octo dies post t̃m obit' amotū' incapacitat' vel recusa-

form aforesaid elected, chosen, and sworn into that office.

11. And further we will, and by these presents, for ourselves, our heirs and successors, we grant, that so often and whenever it shall happen that the mayor of the borough aforesaid shall die within the year of his mayoralty, or shall become incapable of discharging his office, or shall be removed from his office, which said mayor for the time being, for improper conduct in his office, or for non-residence within the borough aforesaid, we will to be removeable by the aldermen of the borough aforesaid for the time being, or the major part of them; or if it shall happen that any of the aldermen of the borough aforesaid duly elected into the office of mayor of the borough aforesaid shall refuse such office, or shall become incapable or die before he shall have taken upon himself such office, that then and so often another of the aldermen of the borough aforesaid shall be named, elected, and installed into the office of mayor of that borough, in some convenient time not exceeding eight days after such death, removal,

New mayor to be chosen within eight days, on death or removal:

or refusal to act.



tion', que quidem nominatio et electio fiet in talibus modo et form' qualibus in his presentibus nominaçõ et elecçõ major' burgi p̃dict' constitutur; qui quidm major sic elect' sacrum suū corporale ad officiū major' burgi p̃dict' bene et fidelit' exequend' p̃stabit coram recordator' burgi p̃dict' sive ejus deputat' et senior' ald̃ro in burgo p̃dict' tunc existen' et residen' sive eoꝝ aliqu', quibus conjunctim et divisim plenam potest' et authoritat' ad hūmōi sacrament' administrand' damus et concedimus; qui quidem major sic elect' p̃fect' et jurat' continuabit in d̃co officio usq; ad et in festū Omniū Sanctoꝝ tunc proximū sequen' si tam diu vixerit et non sit abinde lītime amot'.

Aldermen to be filled up within eight days of any vacancy.

12. Et ulterius volumus ac per presentes pro nobis hered' et successor' n̄ris concedimus prefat' majori ald̃ris et burgensibus burgi p̃dict' et successoribus suis quod quoties et quandocunq; contigerit aliquem vel aliquos de ald̃ris

incapacity, or refusal, which said nomination and election shall be in such manner and form as is appointed by these presents for the nomination and election of mayor of the borough aforesaid, which said mayor so elected shall take his corporal oath well and faithfully to execute the office of mayor of the borough aforesaid before the recorder of the borough aforesaid, or his deputy, and the senior alderman of the borough aforesaid for the time then being and there resident, or either of them, to whom, jointly and severally, we give and grant full power and authority to administer such oath, which said mayor so elected, chosen, and sworn shall continue in his office until and unto the feast of All Saints then next following, if he shall so long live, and be not from thence lawfully removed.

12. And further we will, and by these presents, for ourselves, our heirs and successors, we grant to the aforesaid mayor, aldermen, and burgesses of the borough aforesaid, and their successors, that as often and whensoever it shall happen that any one or more

burgi p̃dict' obire vel ab officio illo aut ab officijs illis debite amotum aut amotos fore aut aliter deficere de p̃dict' numero tresdecim ald̃rōz burgi p̃dict' (quos quidem ald̃rōs et eoz aliquem vel aliquos pro tempore existen' se in officio illo vel in officijs illis non bene geren' aut gerentes aut infra burgū p̃dict' non h̃itantes vel h̃itantes amobilem et amobiles esse volumus per major' et ceteros ald̃rōs burgi p̃dict' pro tempore existen' vel major' partem eorundem) quod tunc et toties bene liceat et licebit majori et ceteris ald̃ris burgi p̃dict' pro tempore existen' vel majori parti eorundem de tempore in tempus quando casus sic acciderit super debit' notic' et sūmoniçōn' eisdem ald̃ris per major' burgi p̃dict' pro tempore existen' aut per ejus mandat' dat' in aliqu' convenien' tempore, non exceden' octo dies post tat' obitū amoçōn' vel cession', convenire et assemblare in quadam aula infra burgum p̃dict' vocat' *le Court-house* aut ali-

of the aldermen of the borough aforesaid shall die or be duly removed from their or either of their office, or there shall otherwise be a failure of the aforesaid number of thirteen aldermen of the borough aforesaid, which said aldermen, or any or either of them, for the time being for improper conduct in their or either of their offices, or for non-residence within the borough aforesaid, we will to be removeable by the mayor and the rest of the aldermen for the time being, or the major part of them, that then and so often it shall and may be lawful for the mayor and the rest of the aldermen for the time being of the borough aforesaid, or the major part of them, from time to time, as often as the case shall happen, upon due notice and summons to such alderman, by the mayor of the borough aforesaid for the time being, or by his mandate, given in some convenient time not exceeding eight days after such death, removal, or secession, to meet and assemble in a certain hall within the borough aforesaid commonly called the Court House, or any other convenient place within the borough aforesaid, and



quo at loco convenien' infra burgū p̃dict' et ibidm nominare et eligere unū vel plures prout casus tunc postulabit de magis probioribus et discretioribz burgens' burgi p̃dict' qui in burgo illo tunc inhabitaver' per spaciū triū annoz in locum sive locos t̃tis vel t̃tm aldri vel aldřoz burgi p̃dict' sic mortui vel mortuoz aut amoti vel amotoz ad supplend' p̃dict' numerum tresdecim aldřoz burgi p̃dict', et qđ quist psona sic nominat' et elect' super debet' noticiam inde accipiet officii unus aldřoz burgi p̃dict' ac prestabit sacrum suū corporale ad officiiū aldri burgi p̃dict' bene et fideliter exequend' coram majore et recordatore burgi p̃dict' sive deputat' suū pro tempore existen' seu eoꝝ aliquo, quibus conjunctim et divisim plenam potestat' et authoritat' ad hūmōi sacrum cuilbt aldřo sic elect' administrand' damus et concedimus per presentes; qui quidm aldřns sic elect' et jurat' continuabit in eodem

there to name and elect one or more, as the case shall then require, of the more honest and discrete burgesses of the borough aforesaid, who shall have then inhabited in that borough for the space of three years, into the place or places of such alderman or aldermen of the borough aforesaid so dead or removed, to fill up the aforesaid number of thirteen aldermen of the borough aforesaid; and that every person so named and elected, upon due notice, shall thenceforth accept the office of one of the aldermen of the borough aforesaid, and shall take his corporal oath well and faithfully to execute the office of alderman of the borough aforesaid before the mayor and recorder of the borough aforesaid, or his deputy, for the time being, or either of them, to whom, jointly or severally, we give and grant by these presents full power and authority to administer such oath to each alderman so elected as aforesaid, which said alderman so elected and sworn shall continue in the same office of alderman of the borough aforesaid during his natural life, unless he shall be in the mean time duly removed from thence for just cause.



offic' aldri burgi p̃dict' duran'  
vita sua ñrali nisi iñtrim ab-  
inde pro justa causa deb̃te  
amot' fuerit.

13. Et ulterius volumus ac  
p̃ p̃sentes pro nobis hered' et  
successor' ñris concedimus  
p̃fat' majori ald̃ris et burgen-  
sibus burgi p̃dict' et succes-  
sor' suis quod quoties et quan-  
docunq; contigerit aliquem  
vel aliquos de assisten' bur-  
gens' burgi p̃dict' obire vel  
ab officio illo decedere vel  
non iñhabitare infra burgū p̃-  
dict' vel pro aliqua alia fitti-  
ma causa amoveri quod tunc  
et toties bene liceat et lice-  
bit p̃fat' majori et ald̃ris bur-  
gi p̃dict' p̃ tempore existen'  
vel majori parti eozdem ad  
aliquod convenien' tempus,  
non exceden' octo dies post  
f̃lem obit' cession' vel amo-  
c̃ōn, convenire et assemblare  
infra *le Ccourt-house* p̃dict'  
aut aliqu' at convenien' loco  
infra burgū p̃dict' et ib̃m no-  
minare et eligere unū vel  
plures prout casus tunc pos-  
tulabit de magis probioribus  
et discretioribus burgens' bur-

13. And further we Assistant  
will, and by these pre- burgesses  
sents, for ourselves, our to be filled  
heirs and successors, we up by the  
grant to the aforesaid mayor and  
mayor, aldermen, and bur- aldermen.  
gesses of the borough a-  
foresaid, and their suc-  
cessors, that so often and  
whensoever it shall hap-  
pen that any one or more  
of the assistant burgesses  
of the borough aforesaid  
shall die or secede from his  
office, or not inhabit within  
the borough aforesaid, or  
for any other lawful cause  
be removed, that then and  
so often it shall and may  
be lawful for the afore-  
said mayor and aldermen  
of the borough aforesaid  
for the time being, or the  
major part of them, in  
any convenient time not  
exceeding eight days af-  
ter such death, secession,  
or removal, to meet and  
assemble within the Court  
House aforesaid, or any  
other convenient place  
within the borough afore-  
said, and there to name  
and elect one or more, as  
the case shall then re-  
quire, of the more honest  
and discrete burgesses of  
the borough aforesaid,  
who shall have inhabited

gi p̃dict' qui in burgo p̃dict' inhitaver' per spaciū triū annoꝝ in locum sive locos t̃lis vel t̃lium assisten' burgensis vel assisten' burgensiū sic mortui vel mortuoꝝ amoti vel amotoꝝ, et qđ quelb̃t persona sic nominat' et elect' super debet' noticiam inde accipiet officiū unius assisten' burgens' burgi p̃dict' ac prestatibit sac̃rum suū corporale ad officiū assisten' burgens' burgi p̃dict' bene et fideliter exequend' coram majore et recordatore burgi p̃dict' sive deputat' suo pro tempore assisten' vel coꝝ aliqu', quibus conjunctim et divisim plenam potestat' et authoritat' ad hũmoi sacrament' cuist assisten' burgens' sic elect' administrand' p̃ p̃sentes damus et concedimus; qui quidm assisten' burgens' sic elect' et jurat' continuabit in eodm officio assisten' burgens' burgi p̃dict' duran' vit' sua ñrali nisi interim abinde in forma p̃dict' amot' fuerit.

14. Ac ulterius volumus quod quoties p̃dict' officiū

in the borough aforesaid for the space of three years, into the place or places of such assistant burgess or assistant burgesses so dead or removed; and that every person so named and elected, upon due notice, shall thenceforth accept the office of one of the assistant burgesses of the borough aforesaid, and shall take his corporal oath well and faithfully to execute the office of assistant burgess of the borough aforesaid before the mayor and recorder of the borough aforesaid, or his deputy for the time being, or either of them, to whom, jointly and severally, we give and grant by these presents full power and authority to administer such oath to each assistant burgess so elected as aforesaid, which said assistant burgess so elected and sworn shall continue in the same office of assistant burgess of the borough aforesaid during his natural life, unless in the mean time he shall be thence removed in manner aforesaid.

14. And further we will, that so often as the aforesaid office of recorder



recordator' burgi p̃dict' per mortem vel aliter vacare contigerit, qđ tunc et toties bene liceat majori et ald̃ris burgi p̃dict' pro tempore existen' vel majori parti eoꝝ de tempore in tempus quando casus sic acciderit super debit<sup>m</sup> notic' et sūmonicōn eisđm ald̃ris per major' burgi p̃dict' pro tempore existen' aut per ejus preceptum dat' convenire et assemblare in p̃dict' aut vocat' *le Court-house* aut aliquo alio loco convenien' infra burgum p̃dict' et iđm nominare et eligere unū at discretū et idoneū virum fore recordator' burgi p̃dict', continuand' in eodem offic' duran' vita sua ñrali nisi pro aliqua fittima causa amot' fuerit; qui quidm recordator sic nominat' et elect' p̃stabit sac̃m suū corporale ad officiū illud bene et fideliter exequend' coram majore burgi p̃dict' pro tempore existen', cui plen' potestat' et auctoritat' ad hũmoi sac̃m ministrand' concedimus; et dictus recordator exerceat et ex-

of the borough aforesaid Recorder shall happen to be vacant <sup>to be</sup> by death or otherwise, <sup>chosen by</sup> that then and so often it <sup>mayor and</sup> aldermen. may be lawful for the mayor and aldermen of the borough aforesaid for the time being, or the major part of them, from time to time, when the case shall so happen, upon due notice or summons given to such alderman by the mayor of the borough aforesaid for the time being, or by his precept, to meet and assemble in the aforesaid hall called the Court House, or any other convenient place within the borough aforesaid, and there to name and elect another discrete and proper man to be recorder of the borough aforesaid, to continue in such office during his natural life, unless for any lawful cause he shall be removed, which said recorder so named and elected shall take his corporal oath well and faithfully to execute that office before the mayor of the borough aforesaid for the time being, to whom we grant full power and authority to administer such oath; and the said recorder may and shall exercise his office aforesaid either by himself or by his sufficient deputy.



ercebit officiū suū p̃dict' per se  
vel per deputat' suū sufficien'.

Deputy re-  
corder and  
town clerk  
to take the  
usual oaths.

15. Damus etiam et per  
p̃sentes pro nobis hered' et  
successor' n̄ris concedimus  
p̃fat' majori ald̄ris et burgen-  
sibus burgi p̃dict' et succes-  
soribus suis quod quibet depu-  
tat' recordator burgi p̃dict et  
cōmunis c̄ficus burgi p̃dict'  
per recordator' burgi illius  
imposterū nominand' et eli-  
gend' ac quilibet deputat' hu-  
m̄oi cōis c̄fici per hum̄oi de-  
putat' recordator' vel cōem  
c̄ficum imposterū nominand'  
prestabit sac̄rum suū corpo-  
rale ad offic' hum̄oi respective  
bene et fideliter exequend'  
coram majore et recordatore  
burgi p̃dict' pro tempore ex-  
isten' vel eoꝝ alter, quibus  
conjunctim et divisim ple-  
nam potestat' et autoritat'  
ad hum̄oi sac̄m ministrand'  
damus et concedimus per  
p̃sentes.

16. Et ulterius volumus  
ac per p̃sentes pro nobis he-  
redibus et successoribus n̄ris  
concedimus p̃fat' major' al-  
d̄ris et burgens' burgi p̃dict'

15. Also we give, and  
by these presents, for our-  
selves, our heirs and suc-  
cessors, we grant to the  
aforesaid mayor, alder-  
men, and burgesses of the  
borough aforesaid, and  
their successors, that eve-  
ry deputy recorder of the  
borough aforesaid and  
town clerk of the borough  
aforesaid hereafter to be  
named and elected by the  
recorder of such borough,  
and every deputy of such  
town clerk, by such de-  
puty recorder or town  
clerk hereafter to be  
named, shall take his cor-  
poral oath well and faith-  
fully to execute such re-  
spective office before the  
mayor and recorder of the  
borough aforesaid for the  
time being, or either of  
them, to whom, jointly  
and severally, we give and  
grant by these presents  
full power and authority  
to administer such oath.

16. And further we  
will, and by these pre-  
sents, for ourselves, our  
heirs and successors, we  
grant to the aforesaid  
mayor, aldermen, and bur-  
gesses of the borough a-

et successoribz suis quod de cetero imperpetuū sint et erunt infra burgū p̃dict' tres ministr' sive officiar', quoz unus erit et nominabit' Serviens ad Clavam burgi p̃dict', altr eorū nominabit' *le Yeoman* burgi p̃dict', et alter' eoz nominabitur Bedellus burgi p̃dict', qui imposterū noīabunt' et constituent' de tempore in tempus per major' et aldros burgi p̃dict' pro tempore existen' vel major' part' eorundem, et continuabunt in officijs illis respective quamdiu majori et aldriis burgi p̃dict' pro tempore existen' vel majori parti eorundem placuerit.

17. Volum<sup>s</sup> autem et p̃sentes constituimus et ordinamus quod Ričus Hadley erit vigore presentiū primus et modernus Serviens ad Clavam burgi p̃dict', et quod Ričus Harris erit vigore presentiū primus et modernus *Yeoman* burgi p̃dict', et quod Frančus Woodhams erit vigore p̃sentiū primus et modernus Bedellus burgi p̃dict'

foresaid, and their successors, that for ever hereafter there may and shall be within the borough aforesaid three servants or officers, of whom one shall be and shall be called Serjeant at Mace of the borough aforesaid, the other shall be called the Yeoman of the borough aforesaid, and the other shall be called the Beadle of the borough aforesaid, who shall be hereafter named and appointed by the mayor and aldermen of the borough aforesaid for the time being, or the major part of them, and shall continue in such offices respectively so long as it shall please the mayor and aldermen of the borough aforesaid for the time being, or the major part of them.

Serjeant at Mace.

Yeoman.

Beadle.

17. But we will, and by these presents we appoint and ordain, that Richard Hadley shall be by virtue of these presents the first and modern serjeant at mace of the borough aforesaid, and that Richard Harris shall be by virtue of these presents the first and modern yeoman of the borough aforesaid, and that Francis Woodhams shall be by virtue of these presents the first and modern beadle of the borough afore-

Richard Hadley first serjeant at mace.

Richard Harris first yeoman.

Francis Woodhams first beadle.



continuand' in respectivis officijs illis quamdiu se benegesserint; Qui quidam Riçus Hadley Riçus Harris et Francis Woodhams et quæbt alia persona in offic' ill' servien' ad clavam le yeoman et bedelli burgi p̃dict' seu in eoꝝ aliquod imposter' nominand' et constituend' antequam officia ill' respective exequi presumpserint prestabunt sacra sua corporat' ad respectiva officia sua p̃dict' bene et fideliter exequend' coram major' et recordator' burgi p̃dict' sive deputat' suū pro tempore existen' vel eoꝝ aliqu', quibꝫ conjunctim et divisim plen' potestat' et autoritat' ad huñoi sacrament' ministrand' damus et concedimus per presentes.

said, to continue in such respective offices so long as they shall behave themselves properly; which said Richard Hadley, Richard Harris, and Francis Woodhams, and every person hereafter to be nominated and appointed into the offices of serjeant at mace, yeoman, and beadle of the borough aforesaid, or into either of them, before they presume to execute their respective offices, shall take their corporal oaths well and faithfully to execute the aforesaid offices respectively before the mayor and recorder of the borough aforesaid, or his deputy for the time being, or either of them, to whom, jointly and severally, we give and grant by these presents full power and authority to administer such oath.

Duties of  
the petty  
officers.

18. Volumus etiam et per presentes concedimus quod p̃dict' serviens ad clavam le yeoman et bedellus burgi p̃dict' post huñoi sacra sua respective prestita erunt de tempore in tempus attenden' in et super major' recordator' et deputat' recordator' burgi

18. We will also, and by these presents we grant, that the aforesaid serjeant at mace, yeoman, and beadle of the borough aforesaid, after such oaths so respectively taken, shall be from time to time attendant upon the mayor, recorder, and deputy recorder of the borough aforesaid for the time be-



ꝑdict' pro tempore existen' justiciar' ad pacem burgi ꝑdict' et curias burgi ꝑdict' ad exequend' mandat' precepta et processus eorundem major' recordator' deputat' recordator' justiciar' ad pacem et curiar', et ad faciend' sūmonicōn' districōn' attachiamēt' arrestacōn' correction' imprisonment' et proclamacōn' infra burgū ꝑdict' prout opus fuerit, et tñbus modo ordine et forma prout ꝑfat' major' recordator' deputat' recordator' justiciar' ad pacem et curijs respective opportun' videbitur.

19. Et ulterius damus et per presentes pro nobis heredibus et successoribus nñis concedimus ꝑfat' major' aldr̃is et burgensibus burgi ꝑdict' et successoribus suis quod serviens ad clavam burgi ꝑdict' pro tempore existen' et in ejus absencia tunc le yeoman iñm clavam argenteam vel deauratam signo armoz nñoz sculpt' et ornat' coram majore burgi ꝑdict' pro tempore existen' in quo-

ing, the justices of the peace of the borough aforesaid, and the courts of the borough aforesaid, to execute the mandates, precepts, and processes of the same mayor, recorder, deputy recorder, justices of the peace, and of the courts, and to serve all summons, distresses, attachments, arrests, punishments, imprisonments, and proclamations within the borough aforesaid as shall benecessary, in such manner and form as to the mayor, recorder, deputy recorder, justices of the peace, and courts, respectively shall seem fit.

19. And further we give, and by these presents, for ourselves, our heirs and successors, we grant to the aforesaid mayor, aldermen, and burgesses of the borough aforesaid, and their successors, that the serjeant at mace of the borough aforesaid for the time being, and in his absence then the yeoman, shall have and carry a silver or gilt mace, engraved and ornamented with the impression of our arms, before the mayor of the borough aforesaid for the time be-

Serjeant to  
carry mace  
&c.

ibit loco infra burgum p̃dict' portabit et geret.

ing, in every place within the borough aforesaid.

Mayor refusing office fine 20*l*.

20. Et ult̃ius volumus et per p̃sentes pro nobis heredibus et successoribus ñris concedimus p̃fat' majori ald̃ris et burgensibus burgi p̃dict' et successoribus suis quod quodocunq; et quoties aliquis ald̃roꝝ burgi p̃dict' in officiũ Major' burgi illius deb̃te elect' fuerit, et h̃ens notic' inde sibi datam officiũ illud in se suscipere recusa- verit vel neglexerit, nullam h̃ens rãconabil' excusãcon' allocat' p̃ major' et ald̃ros vel ubi non fuerit major tunc p̃ ald̃ros burgi p̃dict' vel major' partem eoꝝdem, quod tunc et toties bene licebit majori et ceteris aldermannis burgi illius qui pro tempore fuerint, vel ubi non fuerit major tunc ceteris ald̃ris burgi p̃dict' vel majori parti eo- rundem, taxare et imponere sup̃ t̃em ald̃rum sic recusan' vel negligen' suscipere offi- ciũ illud r̃onabilem sũmam sive finem non exceden' sũ- mam viginti librarum, ac iñe-

20. And further we will, and by these pre- sents, for ourselves, our heirs and successors, we grant to the aforesaid mayor, aldermen, and bur- gesses of the borough a- foresaid, and their suc- cessors, that whenever and so often as any of the aldermen of the bo- rough aforesaid shall have been in due manner e- lected into the office of Mayor of that borough, and having notice for that purpose given him shall refuse or neglect to take upon himself such office, having no reasonable ex- cuse allowed by the mayor and aldermen, or where there is no mayor then by the aldermen of the bo- rough aforesaid, or the major part of them, that then and so often it shall be lawful for the mayor and the rest of the alder- men of that borough for the time being, or when there shall be no mayor then for the rest of the aldermen of the borough aforesaid, or the major part of them, to tax and impose upon such alder- man so refusing or ne- glecting to take upon himself that office any reasonable sum or fine not exceeding the sum of



diate super t̃em recusaçõn' procedere ad elecçõn' alterius idonee persone fore major burgi p̃dict' in loco t̃is persone sic recusan', et sic toties quoties, et quousq; aliqua idonea persona in locum majoris burgi p̃dict' debe elect' p̃fect' et jurat' fuerit: et quodocunq; et quoties aliquis burgens' burgi p̃dict' in offic' Aldr̃i burgi illius debe elect' fuerit, et h̃ens notic' inde sibi datam offic' illud in se suscipere recusaverit vel neglexerit, nullam h̃ens r̃onabilem excusaçõn' allocat' ut p̃fert̃, quod tunc et toties bene liceat et licebit majori et aldr̃is burgi illius qui pro tempore fuerint vel majori parti eorundem taxare et imponere super t̃em burgens' sic recusan' vel negligen' suscipere offic' illud r̃onabilem s̃umam sive finem non exceden' s̃umam decem libraꝝ: et quodocunq; et quoties aliquis de burgens' burgi p̃dict' in offic' un' Assisten' Burgen' burgi p̃dict' debe elect' fuerit, et h̃ens noticiam inde si-

twenty pounds, and immediately after such refusal to proceed to the election of another fit person to be mayor of the borough aforesaid in the place of such person so refusing, and so as often and until another fit person hath been duly elected, chosen, and sworn into the place of mayor of the borough aforesaid: and whenever and so often as any burgess of the borough aforesaid hath been duly elected into the office of Alderman of that borough, and having notice for that purpose given him shall refuse or neglect to take upon himself such office as aforesaid, having no reasonable excuse allowed as aforesaid, that then and so often it shall and may be lawful for the mayor and aldermen of that borough for the time being, or the major part of them, to tax and impose upon such burgess so refusing or neglecting to take upon himself such office any reasonable sum or fine not exceeding the sum of ten pounds; and whenever and as often as any of the burgesses of the borough aforesaid hath been duly elected into the office of one of the Assistant Burgesses of the borough aforesaid, and having notice for that pur-

Aldermen  
refusing,  
10/.

Assistant  
Burgesses,  
5/.



bi dat' officium illud in se  
 suscipere recusaverit, nullam  
 hēns rōnabilem excusaçōn'  
 allocat' ut p̃fert<sup>r</sup>, quod tunc  
 et toties bene licebit majori  
 et ald̃ris burgi p̃dict' pro tem-  
 pore existen' vel majori parti  
 eorundem taxare et impo-  
 nere super t̃tem burgens' sic  
 recusan' vel negligen' susci-  
 pere officiū illud rōnabilem  
 sūmam sive finem non ex-  
 ceden' sum' quinq; libraꝝ, ac  
 quod in t̃libus casibus quoties  
 acciderint bene liceat et lice-  
 bit p̃fat' majori ald̃ris et bur-  
 gensibus burgi p̃dict' et eoꝝ  
 successor' oīes et singulas  
 fines et sūmas sic taxat' et  
 impōit' levare impetrare h̃ere  
 et percipere de tempore in  
 tempus per districçōn' et ven-  
 dicōn' bonoꝝ et catalloꝝ hu-  
 mōi personaꝝ sic recusan' vel  
 negligen' et cuiuslibet eoꝝ re-  
 spective, vel per sectam bre'  
 quereſt aut acçōn' deſti ad usū  
 ipsoꝝ major' ald̃roꝝ et bur-  
 gens' burgi p̃dict' et succes-  
 soꝝ suoꝝ absq; aliquo comp̃o  
 aut aliqu' at̃ proinde nobis  
 hered' vel successor' n̄ris quo-

pose given him shall refuse  
 to take upon himself that  
 office, not having any rea-  
 sonable excuse allowed as  
 aforesaid, that then and  
 so often it shall be law-  
 ful for the mayor and al-  
 dermen of the borough  
 aforesaid for the time be-  
 ing, or the major part of  
 them, to tax and impose  
 upon such burgess so re-  
 fusing or neglecting to  
 take upon himself such  
 office any reasonable sum  
 or fine not exceeding the  
 sum of five pounds; and  
 that in such cases, as  
 often as it shall have hap-  
 pened, it shall and may  
 be lawful for the afore-  
 said mayor, aldermen, and  
 burgesses of the borough  
 aforesaid, and their suc-  
 cessors, to levy, demand,  
 have, and take, from time  
 to time, all and singular  
 such fines and sums so  
 taxed and imposed by dis-  
 tress and sale of the goods  
 and chattels of such per-  
 sons so refusing or ne-  
 glecting, or each of them  
 respectively, or by suit,  
 writ, complaint, or action  
 of debt, to the use of the  
 mayor, aldermen, and bur-  
 gesses of the borough a-  
 foresaid, and their suc-  
 cessors, without any satis-  
 faction or any other thing  
 for that purpose in any  
 manner to be rendered,  
 paid, or performed to us,  
 our heirs, or successors.

quomodo reddend' solvend'  
seu faciend'.

21. Et ulterius volumus et per presentes pro nobis hered' et successoribus n'ris damus et concedimus prefat' majori ald'ris et burgens' burgi p'dict' et successor' suis quod major et aldermanni burgi p'dict' pro tempore existen' constitut' virtute harū presentiū vel major pars eoꝝ de tempore in tempus imperpetuū sint et erunt Cōmune Consiliū burgi p'dict' pro rebus et negotijs burgi p'dict' tractand' et peragend' (quoꝝ major burgi p'dict' pro tempore existen' vel senior' ald'rum ejusdem burgi in ejus absentia pro tempore existen' unū esse volumus) qui super sūmonicōn' per hūmōi major' aut ejus mandat' dand' hēant et hēbunt plen' potestat' facultat' et authoritat' in p'dict' aula burgi p'dict' vocat' *le Court-house* aut aliquo alio loco convenien' infra burgū p'dict' assembland', et ibi condend' et constituend' ordinand' faciend' et stabiliend'

21. And further we <sup>Common</sup> will, and by these pre- <sup>Council.</sup>sents, for ourselves, our heirs and successors, we grant to the aforesaid mayor, aldermen, and burgesses of the borough aforesaid, and their successors, that the mayor and aldermen of the borough aforesaid for the time being, appointed by virtue of these presents, or the major part of them, may and shall be from time to time for ever the Common Council of the borough aforesaid, for doing and transacting of all things and business of the borough aforesaid, (of whom we will that the mayor of the borough aforesaid for the time being, or in his absence the senior alderman of the same borough for the time being should be one), who, upon summons given by the mayor, or by his warrant, may and shall have full power, licence, and authority to assemble in the aforesaid hall of the borough aforesaid called the Court-house, or any other convenient place within the borough aforesaid, and there to frame and appoint, constitute, ordain, make, and establish from time to time,



de tempore in tempus leges  
statut' constituções decret'  
et ordinações rōnabiť bona  
salubria utilia licita honesta  
et necessar' juxta eoř sanas  
discreções pro bono regi-  
mine et guľnaçãoe burgi ỹ-  
dict' ac omn' et singuloř of-  
ficiar' ministroř artificiu in-  
hitan' et residen' infra bur-  
gũ ỹdict', ac pro declaraçãoe  
quomodo major aldři et as-  
sisten' burgenses burgi ỹdict'  
et oēs et singuli officiar' mi-  
nistri artifices inhabitan' et  
residen' infra burgũ ỹdict' in  
officijs funçãoibus misterijs  
artificijs et negotijs suis in-  
fra burgũ ỹdict' et libertat'  
et precinct' ejusdem pro tem-  
pore existen' de tempore in  
tempus sese heťunt gerent  
et utentur pro bono publico  
cōi utilitate et bono regimine  
burgi ỹdict', ac pro victuala-  
çãoe ejusdem, ac de rebus  
negotijs et causis quibuscunq;  
burgũ ỹdict' tangen' seu quo-  
modo concernen', ac tťes  
rōnabiles penas fines et pe-  
nalitat' in et super oēs et sin-  
gulos delinquen' contra hu-

reasonable, good, salu-  
tary, useful, lawful, just,  
and necessary laws, sta-  
tutes, constitutions, de-  
crees, and ordinances, ac-  
cording to their sound  
discretion, for the good  
order and government of  
the borough aforesaid,  
and of all and singular  
the officers, servants, ar-  
tificers, inhabitants, and  
residents within the bo-  
rough aforesaid for the  
time being, and for de-  
claring in what manner  
the mayor, aldermen, and  
burgesses of the borough  
aforesaid, and all and sin-  
gular the officers, ser-  
vants, inhabitants, and re-  
sidents for the time be-  
ing within the borough  
aforesaid shall from time  
to time have, use, and  
conduct themselves in  
their offices, functions,  
mysteries, trades, and bu-  
sinesses within the bo-  
rough aforesaid and the  
liberties and precincts  
thereof, for the common  
good, advantage, and good  
government of the bo-  
rough aforesaid, and for  
the victualling of the same,  
and in all things, causes,  
and businesses whatsoever  
relating to or in any wise  
concerning the borough  
aforesaid, and to assess  
and impose such reason-  
able pains, fines, and pe-  
nalties in and upon all  
and every delinquent a-



ñoi leges statut' constituçõn' decreta sive ordinaçõn' per districçõn' et vendiçõn' bonoꝝ vel per sectam hñe queret' sive accõn' debti per major' aldños et burgenses burgi pñdict' levand' aut recuperand' assidere et imponere prout eis vel majori parti eoꝝ (quoꝝ major' burgi pñdict' vel senior' aldñum ejusdem burgi pro tempore existen' unum esse volumus) necessar' opportun' et requisit' videbitur; quodq; major aldñi et burgenses burgi pñdict' pro tempore existen' huñmoi penas fines et penalitat' ad usũ suũ propriũ levare recuperare et recipere possint absq; aliquo compñdo sive aliqu' at proinde nobis hered' vel successor' nñris quomodo reddend' solvend' sive faciend'.

22. Et ulterius volumus et per pñsentes pro nobis hered' et successor' nñris concedimus pñfat' majori aldñis et burgensibus burgi pñdict' et successor' suis qđ pñdict' Edñus Heath per pñsentes constitut' major burgi pñdict' et quit' at  
f

gainst such laws, statutes, constitutions, decrees, and ordinances to be levied or recovered by distress and sale of their goods and chattels, or by suit, writ, and complaint, or action of debt, by the mayor, aldermen, and burgesses of the borough aforesaid, as to them or the major part of them (of whom the mayor of the borough aforesaid or the senior alderman of the borough aforesaid for the time being we will to be one) shall seem necessary, fit, and requisite; and that the mayor, aldermen, and burgesses of the borough aforesaid for the time being may raise, recover, and receive such pains, fines, and penalties to their own use, without any satisfaction or any other thing to be for that purpose in anywise rendered, done, or performed to us, our heirs, and successors,

may recover penalties to their own use.

22. And further we Justices of Peace for the Borough: will, and by these presents, for ourselves, our heirs and successors, we grant to the aforesaid mayor, aldermen, and burgesses of the borough aforesaid, and their successors, that the aforesaid Edward Heath by these the Mayor, presents appointed mayor

Recorder,

and three  
senior Aldermen :

major inde pro tempore existen' duran' tempore quo offic' major' burgi illius exercebit et pro uno anno integro extunc pxim' sequen', necnon p̃fat' Fulc' Dñus Brooke per p̃sentes constitut' recordator burgi p̃dict' et quilibet al' recordator ejusdem burgi pro tempore existen', necnon tres antiquissimi et maxime seniores ald̃ri burgi p̃dict' pro tempore existen' (unde p̃dict' Thomas Stratford Edmund Makepeace et Joñes Welton erunt primi et moderni) sint et erunt custodes et quilibet eoz sit et erit custos pacis ñre hered' et successoz ñroz infra burgū p̃dict' ac justiciar' ñri hered' et successoz ñroz ad pacem ñram hered' et successoz ñroz infra burgū p̃dict' conservand', ac ad omn' et singul' infra burgum p̃dict' faciend' et exequend' que et qualia aliqui al' justiciar' ñri ad pacem ñram alibi conservand' assign' de jure facere et exequi possint, ac eos ac aliquos duos sive plures eoz (quoz major vel recordator vel al-

of the borough aforesaid, and every other mayor for the time being, during the time that he shall exercise the office of mayor of that borough, and for one entire year then next following, and also the aforesaid Fulke Lord Brooke by these presents appointed recorder of the borough aforesaid, and every other recorder of the same borough for the time being, and also the three eldest and senior aldermen of the borough aforesaid for the time being (of whom the said Thomas Stratford, Edward Makepeace, and John Welton are the first and modern) may and shall be, and each and every of them shall and may be, keepers of the peace of ourselves, our heirs and successors within the borough aforesaid, and justices of ourselves, our heirs and successors, to preserve the peace of ourselves, our heirs and successors within the borough aforesaid, and to do and perform all and singular such things within the borough aforesaid as and in such manner as other our justices assigned to keep our peace elsewhere of right ought to do and perform; and them any two or more of them (of whom the mayor or



ter de duobus antiquissimis et maxime senioribus aldr̃is burgi p̃dict' qui erunt hũmoi custod' et justic' un' semper esse volumus) ordinamus et constituimus justiciarios ñros ad inquirend' per sac̃rum probos et legalium hõum de burgo p̃dict' de oĩbus felonis transgress' offens' contempt' et malefact' infra burgum p̃dict' perpetrat' et perpetrand' de quibus aliqu' at justiciar' ñri ad pacem alibi infra hoc r̃num' Angl̃ conservand' assign' inquirere possint, ac ad hũmoi felon' transgr' offens' contempt' et malefact' secundū leges consuetud' et statut' regni ñri Angl̃ audiend' et terminand' in tam amplis modo et forma prout aliqu' at justiciar' ñri ad pacem alibi infra hoc regnū Angl̃ conservand' assign' in casibus consilibus procedere audire et terminare possint', ac ad personas hũmoi felon' transgr' offens' contempt' et malefact' p̃petrantes per fines redemption' amerciam' forisfactur' imprisona-

recorder or either of the two elder and senior aldermen of the borough aforesaid who are such keepers and justices as aforesaid we will to be one) we ordain and appoint our justices, to inquire by the oath of good and lawful men of the borough aforesaid of all felonies, trespasses, offences, contempts, and crimes perpetrated or to be perpetrated within the borough aforesaid, concerning which any other of our justices assigned to keep the peace elsewhere within this our kingdom of England are able to inquire; and to hear and determine all sorts of felonies, trespasses, offences, contempts, and crimes according to the laws, customs, and statutes of this our kingdom of England, in such ample manner and form as any other our justices assigned to keep the peace elsewhere within our kingdom of England may proceed upon, hear, and determine in similar cases. and to chastise and punish the persons committing such felonies, trespasses, offences, contempts, and crimes by fine, ransom, amercement, forfeiture, imprisonment, or by any other ways and means pursuant to the

to try and  
punish of-  
fences,



excepting felonies touching life or limb.  
 ment' ac alijs vijs et modis secundum legem et consuetudin' ac statut' nři nři Angt castigand' et puniend'; ita tamen quod ad determinacōn' alicujus felon' tangen' amission' vite et membroꝝ sine special' licenc' nřa heredū vel successoꝝ nřoꝝ non procedant.

County Justices may enter the Borough to perform their duty.

23. Volumus tamen ac intenō nřa est quod justiciar' nři hered' et successoꝝ nřoꝝ ad pacem nřm hered' et successoꝝ nřoꝝ in com' nřo Warwici conservand' assign' burgū p̃dict' de tempore in tempus ingredi possint et valeant ad officia sua pfungenda tñibus modo et forma prout temporibus retroactis usitat' fuit et non aliter, aliqu' in p̃sentibus content' non obstan'; nolumus autem quod aliquis huīmoi justic' se in burgo p̃dict' alit̃r intromittat.

Justices of Peace for the Borough to be sworn.

24. Et ulterius volumus ac per presentes pro nobis hered' et successor' nřis concedimus p̃fat' major' aldřis et burgens' burgi p̃dict' qđ p̃dict' Edřus Heath modo

laws, customs, and statutes of this our kingdom of England, so that, however, they proceed not to the determination of any felony touching the loss of life or limb without the special licence of ourselves, our heirs, and successors.

23. We will, however, and our pleasure is, that the justices of ourselves, our heirs and successors assigned to keep the peace of ourselves, our heirs and successors within the county of Warwick shall and may from time to time enter into the borough aforesaid to perform their duty in such manner and form as has been accustomed in times past, but not otherwise, any thing in these presents contained notwithstanding; and we will that any such justice should not otherwise interpose himself within the borough aforesaid.

24. And further we will, and by these presents, for ourselves, our heirs and successors we grant to the aforesaid mayor, aldermen, and burgesses of the borough aforesaid, that the aforesaid

major burgi p̃dict' sac̃m pre-  
stabit de offic' justiciar' ad  
pacem bene et fideliter exe-  
quend' per leges et statut'  
hujus r̃ni ñri Angl' provis' p  
justiciar' ad pacem prestand'  
coram recordator' vel depu-  
tat' recordator' burgi p̃dict'  
pro tempore existen', quibus  
conjunctim et divisim ple-  
nam potestat' et authoritat'  
ad hũmoi sacrament' mini-  
strand' damus et concedim<sup>s</sup>  
per p̃sentes, absq<sup>3</sup> aliqu' at  
warranto sive cōmissione de  
nobis hered' vel successor'  
ñris impetrand' seu h̃end';  
et quod quilibet alius major  
burgi p̃dict' pro tempore ex-  
isten' consite sac̃m prestabit  
coram ultimo predecessore  
suo et deputat' recordator'  
burgi p̃dict' pro tempore ex-  
isten' aut eoꝝ alter', quibus  
conjunctim et divisim plen'  
potestat' et authoritat' ad hu-  
m̃oi sacrament' ministrand'  
damus et concedimus per p̃-  
sentes, absque aliquo alio  
warranto seu cōmissione de  
nobis hered' vel successor'  
ñris impetrand' seu h̃end'; et

Edward Heath, present  
mayor of the borough a-  
foresaid, shall take the  
oath well and faithfully  
to perform the office of  
justice of the peace pro-  
vided to be taken by  
justices of the peace ac-  
cording to the laws and  
statutes of this our king-  
dom of England, before  
the recorder or deputy re-  
corder for the time being  
of the borough aforesaid,  
to whom, jointly and se-  
verally, we give and grant  
by these presents full  
power and authority to ad-  
minister such oath, with-  
out any other warrant or  
commission to be sued for  
or obtained from us, our  
heirs or successors; and  
that every other mayor of  
the borough aforesaid for  
the time being shall take  
the like oath before his  
last predecessor and the  
deputy recorder of the bo-  
rough aforesaid for the  
time being, or either of  
them, to whom, jointly  
and severally, we give and  
grant by these presents  
full power and authority  
to administer such oath,  
without any other war-  
rant or commission to be  
sued for or obtained from  
us, our heirs, or successors;  
and that the recorder of  
the borough aforesaid for  
the time being shall take  
the like oath before the  
mayor of the borough a-



quod recordator burgi p̃dict' pro tempore existen' consite sac̃m prestabit coram majore burgi p̃dict' pro tempore existen' vel un' de duobus antiquissimis et maxime senioribus ald̃ris burgi p̃dict' pro tempore existen', quibus conjunctim et divisim plen' potestat' et autoritat' ad hum̃oi sacrament' ministrand' damus et concedimus per p̃sentes, absq; aliquo al' warranto sive cōmissione de nobis hered' vel successor' ñris impetrand' seu h̃end'; et qđ tres antiquissimi et maxime seniores ald̃ri burgi p̃dict' pro tempore existen' consite sac̃m prestabunt et quilibet eorū p̃stabit coram majore burgi p̃dict' pro tempore existen' et recordator' burgi p̃dict' sive deputat' suo pro tempore existen' aut eorū aliquo, quibus conjunctim et divisim plen' potestat' et autoritat' ad hum̃oi sacrament' ministrand' damus et concedimus per p̃sentes, absq; aliquo alio warranto sive cōmissione de nobis hered' vel successor' ñris impetrand' seu h̃end'.

aforesaid for the time being or one of the two elder and senior aldermen of the borough aforesaid for the time being, to whom, jointly and severally, we give and grant by these presents full power and authority to administer such oath, without any other warrant or commission from us, our heirs, or successors, to be sued or obtained; and that the three eldest and senior aldermen of the borough aforesaid for the time being, and each of them, shall take the like oath before the mayor of the borough aforesaid for the time being and the recorder of the borough aforesaid, or his deputy, for the time being, or one of them, to whom, jointly and severally, we give and grant by these presents full power and authority to administer such oath, without any other warrant or commission from us, our heirs or successors to be asked or obtained.



25. Et ulterius volumus ac per presentes pro nobis heredibus et successoribus nris concedimus p̃fat' major' ald̃ris et burgens' burgi p̃dict' et successor' suis qđ ipsi et successores sui de cetero imperpetuū h̃eant ac teneant ac h̃ere et tenere valeant et possint infra burgū p̃dict' quandam' Cur' Plitoz de recordo coram majore sive deputat' suo recordator' deputat' recordator' cōi clico vel ejus deputat' pro tempore existen' vel eoꝝ aliquibus seu aliqu' tenend' in p̃dict' aula vocat' *le Court-house* aut in alio loco convenien' infra burgum p̃dict' per eos vel eoꝝ aliquos sive aliquem de tempore in tempus assignand' in die Mercurij in qualibet septimana (except' septiman' Pasche et Pentecost' et septiman' in qua festū Natalis Dñi añualim acciderit) et sic de septiman' in septiman' tenend' imperpetuū, et qđ ijdem major sive ejus deputat' recordator deputat' recordator cōis clicus vel ejus deputat' et eoꝝ qui-

25. And further we will, and by these presents, for ourselves, our heirs and successors, we grant to the aforesaid mayor, aldermen, and burgesses of the borough aforesaid, and their successors, that they and their successors may and shall have and hold for ever hereafter within the borough aforesaid a Court of Pleas of Record before the mayor or his deputy, recorder, deputy recorder, town clerk or his deputy for the time being, or one or other of them, to be holden in the aforesaid hall called the Court House, or in any other convenient place within the borough aforesaid, to be from time to time appointed by them, some or one of them, upon the Wednesday of every week (except the weeks of the Passover and the Pentecost and that week upon which the birth-day of our Lord shall annually happen) and so to be holden from week to week for ever; and that the same mayor or his deputy, recorder, deputy recorder, town clerk or his deputy, and each of them for the time being, may and shall have full power and authority, from time to time, to hear and determine in the same court,

Court of  
Pleas to  
be holden  
weekly,

for trial of  
actions not  
exceeding  
40*l*.

libt pro tempore existen' he-  
ant et hebunt plen' potestat'  
et autoritat' de tempore in  
tempus audiend' et termi-  
nand' in eadem cur' per que-  
ret in eadem cur' levand' omn'  
et omnimod' debta compa  
convention' contract' transgr'  
vi et armis seu aliter fact'  
seu fiend' caption' detention'  
contempt' deception' et al' res  
et action' personat' et mixtas  
quascunq; infra dñm bur-  
gum Warwici et limites bun-  
das et libertat' ejusdem quo-  
vis modo fact' ppetrat' emer-  
gen' seu contingen' seu fiend'  
perpetrand' emergend' seu  
contingend' dñmodo debit'  
sive dampna petit' seu pe-  
tend' in huñoi sectis sive ac-  
cōnibus non excedant sūmam  
quadragint' libraꝝ : ac eciam  
quod bene liceat et licebit p-  
dict' majori sive deputat' suo  
recordator' et deputat' recor-  
dator' cōi clico vel ejus de-  
putat' et eoꝝ cuiſt pro tem-  
pore existen' processus et ex-  
ecucon' judicioꝝ juxta legem  
hujus rñi nñi Angl in et su-  
per quereſt sect' et accōnibus

by suit to be made in such  
court, all and all kinds of  
debts, contracts, agree-  
ments, compacts, tres-  
passes, *vi et armis* or o-  
therwise, done or to be  
done, captions, detentions,  
contempts, deceits, and  
other things and actions  
whatsoever, both person-  
al and mixed, in any man-  
ner done, arising, or hap-  
pening, or to be done,  
a ise, or happen within the  
borough aforesaid of War-  
wick, and the limits,  
boundaries, and liberties  
of the same, so that such  
debt or injuries sued or  
to be sued in such suits  
or actions exceed not the  
sum of forty pounds; and  
moreover that it shall and  
may be lawful for the a-  
foresaid mayor or his de-  
puty, recorder and deputy  
recorder, town clerk and  
his deputy, and each of  
them for the time being,  
to judge and execute pro-  
cess and execution of  
judgment according to the  
laws of this our kingdom  
of England in and upon  
such suits, complaints,  
and actions by precept to  
be directed to the serjeant  
at mace of the borough  
aforesaid and the yeoman,  
and each of them, or to  
any other servant of such  
court to be specially named  
and appointed for the time  
being.



ꝑdict' judicare et facere per precept' servien' ad clavam burgi ꝑdict' et *le Yeoman* iſm et eoꝝ alter' vel alicui at ministro cur' illius pro tempore existen' sp̄ialiter nominand' sive assignand' dirigend'.

26. Et ulterius de ampliori gr̄a n̄ra sp̄iali ac ex certa sciencia et mero motu n̄ris dedimus et concessim<sup>s</sup> ac per ꝑsentes pro nobis hered' et successor' n̄ris damus et concedimus ꝑfat' majori aldr̄is et burgens' burgi ꝑdict' et successoribus suis ōm̄ia et omnimoda fines exitus amerciamen<sup>t</sup>' et forisfactur' imposter' imponend' perdend' et forisfaciend' tam in ōm̄ibus et singulis sessionibus pacis pro burgo ꝑdict' tenend' quam in dict' cur' ꝑfitor' iſm ut ꝑfertur tenend'.

27. Et ulterius volumus ac pro nobis heredibus et successoribus n̄ris damus concedimus et confirmamus per ꝑsentes ꝑfat' majori aldr̄is et burgens' burgi ꝑdict' et successoribus suis om̄' et omnimod' maner' terras tene-

26. And further, of our more ample and special Grant of fines, &c. to the Corporation. grace, and from our certain knowledge and mere good will, we have given and granted, and by these presents, for ourselves, our heirs and successors we do give and grant to the aforesaid mayor, aldermen, and burgesses of the borough aforesaid all and all kinds of fines, issues, amercements, and forfeitures hereafter to be imposed, fined, and forfeited, as well in all and every sessions of the peace to be holden for the borough aforesaid, as in every court of plea there to be holden as aforesaid.

27. And further we And of all former estates, &c. will, and for ourselves our heirs and successors we give, grant, and confirm by these presents to the aforesaid mayor, aldermen, and burgesses of the borough aforesaid, and their successors, all and singular manors, lands, tenements, wastes, waste



menta vasta vacua funda cōi-  
 as rectorias decimas glebas  
 advocacōn' donation' et pa-  
 tronatus ecclesiaz et vicariaz  
 visum franci plegij tolnet'  
 piccag' stallag' libertat' fran-  
 ches' imunitat' exemption'  
 privileg' quietanc' jurisdicōn'  
 revercōn' emolumen' et here-  
 ditamen' quecunq; que bur-  
 genses burgi p̃dict' seu bal-  
 lius et burgenses burgi p̃dict'  
 seu balfij et burgenses burgi  
 p̃dict' vel aliqui priores major  
 aldrī et burgenses burgi p̃dict'  
 vel aliqui eoꝝ liſtime huerunt  
 gaviſi fuer' vel possidere ſcu  
 hēre gaudere vel possidere  
 debuerunt' rōne vel p̃textu  
 aliquaꝝ l̃raꝝ paten' ſive car-  
 taꝝ eis p̃ aliquos predecessor'  
 aut antecessor' ñros nup re-  
 ges et reginas Angl' antehac  
 concessaꝝ aut fact', vel aliquo  
 alio modo quocunq;, licet ea-  
 dem vel eoꝝ aliquod vel ali-  
 qua antehac usitat' non fuer'  
 vel abus' forisfact' aut discon-  
 tinuat' ſunt aut fuer' **HABEND'**  
 tenend' et gaudend' om̃ia et  
 singula p̃missa p̃fat' majori  
 aldrīs et burgensibus burgi

lands, farms, commons,  
 rectories, tithes, glebes,  
 advowsons, donations, and  
 patronage of churches and  
 vicarages, views of frank-  
 pledge, tolls, picage, stall-  
 age, liberties, franchises,  
 immunities, exemptions,  
 privileges, acquittances,  
 jurisdictions, reversions,  
 emoluments, and heredit-  
 aments whatsoever, which  
 the burgesses of the bo-  
 rough aforesaid, or the  
 bailiff and burgesses of the  
 borough aforesaid, or the  
 bailiffs and burgesses of  
 the borough aforesaid, or  
 any former mayor, alder-  
 men, and burgesses of the  
 borough aforesaid, or ei-  
 ther of them, lawfully have  
 had, enjoyed, or possessed,  
 or ought to have, enjoy,  
 or possess by reason or  
 means of any letters pa-  
 tent or charters to them  
 by any of our predecessors  
 or ancestors, late kings or  
 queens of England here-  
 tofore made or granted, or  
 any other means whatso-  
 ever, although they, any  
 or either of them, have  
 not been heretofore used,  
 or have been or are a-  
 voided, forfeited, or dis-  
 continued, to have, hold,  
 and enjoy all and singular  
 the premises to the afore-  
 said mayor, aldermen, and  
 burgesses of the borough  
 aforesaid, and their suc-  
 cessors for ever, render-  
 ing and paying for the

ꝑdict' et successoribus suis imperpetuū, Reddend' et Solvend' proinde nobis hereditibus et successoribus nris et quibuslibet person' respectivis et ad tales usus tot tanta talia eadem humoi et consit reddit' servitia denar' sūmas et demand' quęcunq; quot quanta qualia et quę impum majori aldri et burgenses burgi ꝑdict' reddere et solvere de jure debuer'.

28. Quare volumus et per ꝑsentes ꝑ nobis hereditibus et successoribus nris firmiter injungendo ꝑcipim' et mandamus quod ꝑfat' major aldri et burgens' burgi ꝑdict' et successores sui hēant teneant utantur et gaudeant ac plene libe et integre hēre tenere uti et gaudere valeant et possint imperpetuū omn' maner' terras tenement' rector' decimas glebas advocacōn' donacōn' libtat' libas consuetudin' privileg' autoritat' jurisdiction' quietanc' et hereditament' ꝑdict' secundum tenor' et effect' hāz lraz nraz paten' sine occōne vel impedimento nro

same to us, our heirs and successors, and to all such persons respectively, and for such purposes, such, so many, the same, and such kinds of rents, services, sums of money, and demands whatsoever as formerly the mayor, aldermen, and burgesses of the borough aforesaid of right ought to render and pay.

28. Wherefore we will, For quiet and by these presents, for enjoyment. ourselves our heirs and successors we strictly enjoin, order, and command that the aforesaid mayor, aldermen, and burgesses of the borough aforesaid, and their successors, fully, freely, and entirely may and shall have, hold, use, and enjoy for ever all manors, lands, tenements, rectories, tithes, glebes, advowsons, donations, liberties, free customs, privileges, authorities, jurisdictions, acquittances, and hereditaments aforesaid. according to the tenor and effect of these our letters patent, without any interruption or impediment whatsoever by us, our heirs or successors; being unwilling that the same



hered' vel successoꝝ nꝛoꝝ  
 quoꝝcunqꝫ, nolentes quod ij-  
 dem major aldꝛi et burgen-  
 ses vel eoꝝ successor' aut eoꝝ  
 aliqui vel aliquis raꝥone pꝛ-  
 missoꝝ vel eoꝝ alicujus per  
 nos hered' vel successores  
 nꝛos justic' vicecom' escaetor'  
 aut alios baꝥfios sive minis-  
 tros nꝛos hered' vel successoꝝ  
 nꝛoꝝ quoscunqꝫ inde ocꝥõ-  
 nent<sup>r</sup> molestentur vexentur  
 graventur seu in aliquo pꝛtur-  
 bentur; volentes ac pꝛ pꝛsentes  
 mandantes et precipientes  
 tam cõmissionar' nꝛis ad cus-  
 todiend' magn' sigillum Angl'  
 cõmissionar' thesauri nꝛi ba-  
 ronibus sꝥcij nꝛi attornat' et  
 sollicitat' nꝛis generaꝥ pro  
 tempore existen' quam omn'  
 et singuꝥ aꝥ ministr' et offi-  
 ciar' nꝛis quibuscunqꝫ quod  
 nec ipsi nec eoꝝ aliqui vel  
 aliquis aliquod bꝛe seu sũmo-  
 niꝥõn' de Quo Warranto sive  
 aliquod aliũ bre' vel process'  
 vsus pꝛfat' major' aldꝛos et  
 burgens' burgi pꝛdict' aut eoꝝ  
 aliquem vel aliquos pro ali-  
 quibus causis rebus materijs  
 offens' clameis aut usurpa-

mayor, aldermen, and bur-  
 gesses, or their succes-  
 sors or any or either of  
 them, should, by reason of  
 the premises or any of  
 them, be interrupted, mo-  
 lested, vexed, aggrieved,  
 or disturbed in the same  
 by us our heirs or suc-  
 cessors, our justices, she-  
 riffs, eschaetors, or other  
 bailiffs or servants of our-  
 selves our heirs or succes-  
 sors; willing, and by these  
 presents ordering and  
 commanding as well our  
 commissioners for the cus-  
 tody of the great seal of  
 England, commissioners  
 of the treasury, our barons  
 of the exchequer, our at-  
 torney and solicitor ge-  
 neral for the time being,  
 as also all and singular  
 other our servants and  
 officers whatsoever, that  
 neither they, any or either  
 of them prosecute or per-  
 mit or suffer to be prose-  
 cuted any writ or sum-  
 mons of *Quo warranto* or  
 any other writ or process  
 against the aforesaid  
 mayor, aldermen, and bur-  
 gesses of the borough a-  
 foresaid, or any or either  
 of them, for any causes,  
 things, matters, offences,  
 claims, or usurpations by  
 them duly claimed, done,  
 attempted, or had before  
 the day of the execution  
 of these presents. In tes-  
 timony whereof we have  
 caused these our letters to

Free from  
 vexatious  
*Quo War-  
 ranto.*



con' per ipos debe clamat' u-  
 sitat' attempt' seu habit' an-  
 te diem conseccon' p'sentiū  
 prosequant aut prosequi fa-  
 ciant seu permittant aut eoꝝ  
 aliquis prosequi faciat seu  
 permittat. IN CUJUS rei, &c.  
 TESTIBUS Rege et Regina a-  
 pud Westm' decimo octavo  
 die Martij.

be made patent : Witness  
 ourselves at Westminster  
 this eighteenth day of  
 March in the fifth year of  
 our reign.

By writ of Privy Seal.  
 PIGOTT.

¶ Bre' de Privat' Sigill.

*This is a true Copy, from the Original  
 Record remaining in the Chapel of  
 the Rolls, having been examined.*

JOHN KIPLING,

Nov. 1826.





# CONTENTS.

	PAGE.
Saxon Chronicle relating to Warwick - - - - -	6
Domesday Book - - - - -	7
Leland's Itinerary - - - - -	8
Gilds and early corporations - - - - -	10
First Charter incorporating the Burgesses of Warwick, 37 Henry VIII. 5th May, 1546 - - - - -	12
Foundation of the Free School - - - - -	15
Second Charter, 1 and 2 Philip and Mary, 12th Nov. 1553	19
Charter of Inspeximus, 2 Elizabeth, 25th Feb. 1560 -	25
Sir Thomas White's Charity - - - - -	26
Information against the Corporation, 11 James I. 1613	30
Decree of Lord Ellesmere, 13 James I. 28th Nov. 1616	31
Decree of Lord Keeper Coventry, 13 Charles I. 17th July 1638 - - - - -	32
Contested Election and Parliamentary Petition, 4 Charles I. - - - - -	35
Test and Corporation Acts - - - - -	38
Third Charter, 16 Charles II. 13th October, 1665 - -	42
Fourth Charter, 35 Charles II. 18th Dec. 1684 - - -	47
Governing Charter, 5 William and Mary, 18th March, 1694	49
Account of destructive Fire at Warwick from the Harleian MSS. - - - - -	50
Warwick Fire Act, 6 and 7 William and Mary, 1694-5 -	51
Decretal Order for the regulation of Sir Thomas White's Charity, 10 Geo. I. 20th Dec. 1722 - - - -	53
Second Information against the Corporation, 1736 - -	55
Decrees of Lord Hardwicke, 11 Geo. II. 1737, and 13 Geo. II. 1739 - - - - -	55
Orders of Sequestration 8th Oct. and 18th Dec. 1742 -	56
Opinion of Mr. Charles Yorke - - - - -	58
Order, Report, and Decree, 1777 and 1779 - - - -	60
Mandamus, 1803 - - - - -	63

	PAGE.
Lord Warwick's letter to the Burgesses dated 24th Sept.	
1799 - - - - -	64
Lord Warwick's letter to Alderman Edwards, 20th Feb.	
1802 - - - - -	70
Last Order for increase of stipends, &c. 58 Geo. III. dated	
22d Jan. 1818 - - - - -	72
PRESENT STATE OF THE CORPORATION - - - - -	73
Office of Mayor - - - - -	75
Aldermen - - - - -	76
The Assistant Burgesses - - - - -	81
The Town Clerk - - - - -	81
The Borough Magistrates - - - - -	82
The Estates and Accounts - - - - -	83
The funds and disbursements of the Corporation - -	84
Sir Thomas White's charity - - - - -	85
Letter from the Town Clerk of Nottingham, 28th Dec.	
1814 - - - - -	85
The Free Grammar or College School - - - - -	87
Determination of the right of Election - - - - -	95
Conclusion - - - - -	97

## APPEND X.

Doomsday relating to Warwick - - - - -	101
Leland's Itinerary relating to Warwick - - - - -	102
Commission of the Peace, 1 James I. - - - - -	107
Index to the Black Book of the Corporation of Warwick	111
List of Fees in the Rolls Chapel - - - - -	114
Seal of the Borough of Warwick - - - - -	115
List of Harleian Manuscripts relating to the Town, Castle, County, and Earls of Warwick - - - - -	117
Abstract of Poor-Rate Returns - - - - -	119
Abstracts of Population-Act Returns - - - - -	120
List of Public and Private Charities in Warwick - - -	121

---

# LETTER.

---

## TO THE BURGESSES OF

### *The Borough of Warwick.*

I MAY safely affirm, that no corporate Borough or City in England possesses more liberties and franchises, or more adequate funds for all purposes of public improvement and charity, than the BOROUGH of WARWICK. There are no intelligent or well-informed persons amongst you who do not know that, however useful and expedient Corporations may have been in former times, their present utility, or, more correctly, the advantage of their good mixed with evil, has become questionable. It has been generally considered by all modern writers and authorities on public wealth, that they have survived their utility, and that very great reforms and amendments in their administration (particularly the general introduction of the popular principle of election), are necessary to adapt them to the purposes of the present age. But be this as it may, certain



it is that few towns possess more corporate advantages, none fewer *dis*-advantages of a Corporation, if rightly administered, than your own.

That you should have the full enjoyment of those privileges and advantages; that you should be enabled to discharge the sacred duty of handing them down to your posterity uninjured, if not improved, it is necessary for you to *know* what those rights really are. You cannot otherwise judge how far you are now possessed or deprived of them,—you cannot appreciate or defend civil rights and advantages of which you are ignorant. Very few of you are informed of the extent of your municipal privileges; none, I may say, are acquainted with their history and origin, or how they have been administered.

To supply such useful knowledge, in a brief, faithful, and temperate narrative, is the object of these pages; and if I attain the end in view, I shall be amply compensated, by your instruction and benefit, for any “filthy splashing of vulgar abuse,”—any misconception or impeachment of my motives, which the publication of these pages may occasion. I beg that no member of the Corporation, and no Burgess, will suspect that any *insinuations*, or covert unmanly imputations, are even secretly conveyed in this pamphlet: what I mean I honestly and plainly write, without fear or favour; and I scorn to adopt the modern fashionable habit of a part of the public Press, by dealing in personal abuse and slander. On the other hand, a conscience-stricken man will sometimes take a

general observation for a personal one: when corruption in general is censured without implication of individuals, he that conceives or declares himself offended, stands convicted by his own evidence, and confesses his guilt before he is accused. It is impossible to escape *this* offence, nor do I wish it—

“ When caps among a crowd are thrown,  
What fits each man he calls his own ! ”

You are all of you, more or less, acquainted with the history of your country—of the ancient British laws and institutions of government. Their original and successive forms and changes are involved in the history of the SAXONS, the DANES, and the NORMANS, who successively invaded England, and partially introduced their several customs, laws, and legal institutions. I will only remark here, that the political institutions of our SAXON ancestors were undoubtedly of a POPULAR character; that is to say, their civil magistracy, from the King to the lowest municipal officer, was *elective*. The Sheriff, the Magistrates, the Municipal Officers of every degree, were elected by the People at large, although many of our historical writers have denied the fact, and endeavoured to conceal its truth. I do not mention these past circumstances, or what once *was*, as any rule for what now *should be*. The appeals to antiquity, for the origin and assertion of our civil rights, are justly ridiculed, because no political claims are advanced in the present day but on their intrinsic merit and utility. Old times are now regarded as the in-

fancy, not the maturity of the world.<sup>1</sup> But I mention them merely to note, that the institutions of England were antiently founded on principles of civil freedom, whatever changes or subversion of the popular liberties might have subsequently taken place.

The inroad of the Normans, it is well known, introduced the FEUDAL SYSTEM,—a system of placing the *many* under the political government and spoil of the *few*. The Norman customs and law-craft quickly superseded the ancient simple and popular judicature of local courts, and the elective magistracy ; and it was a long, a forlorn period, before the liberties of the country were recovered and improved. At length various causes, such as the contentions of the Kings and Barons, which rendered the PEOPLE a third party of the estate, in as much as they were alternately courted and politically benefited by the two former contending parties ; the art of Printing, and the diffusion of education ; the Reformation ; and especially the progress of trade and commerce and international intercourse ; burst the bonds of feudal vassalage, and ultimately obtained for the PEOPLE the gradual restoration and extension of their political rights. To enter on any historical detail on these interesting and important facts

---

(1) Our famous townsman, Lord Robert Brooke, well remarks—“Why should you stand so much upon precedents ? The times hereafter will be good or bad ; if good, precedent will do no harm : if bad, power will make a way where it finds none.”



would, however, be foreign to my present purpose, and I shall therefore only generally mention, that the institution of CORPORATIONS, (or the political incorporation of the Inhabitants of a Town, for the purpose of local government, the promotion and protection of trade, and the administration of charitable funds), was a most useful barrier against the usurpations and spoliage of the feudal lords; and in its consequences, most certainly beneficial to the general interests of the kingdom. It is not surprising, that in those early ages such institutions should have been perverted to the sinister ends of private interest and injurious monopoly; the *abuse* of a thing is no argument against its *use*: and, undoubtedly, many institutions, or certain parts of them, which were then of great public utility, may now be of corresponding detriment.

The general antiquarian history of the Borough is well known to you, and the history of the town by your intelligent and respected neighbour, the Reverend William Field, of Leam,<sup>1</sup> contains a collection of all that former antiquarians and topographical writers had recorded.

I shall not wander into the obscure times of the Romans, who are said to have had a station near Warwick, or examine into the credibility of the traditions of John Rous,<sup>2</sup> whose amalgamation of

---

(1) *An Historical and Descriptive Account of the Town and Castle of Warwick, &c.* 1815.

(2) Joannis Rossi Antiquarii Warwicensis *Historia Regum Angliæ*, 8vo. 1745.

truth and fiction cannot now be analysed, because it will throw no light on the present inquiry. The earliest authentic historical mention of the town is in the ancient Saxon Chronicle, where, under the date A.D. 913, is the following notice: “ This year, by the permission of God, went Ethelfleda, Lady of Mercia, with all the Mercians, to Tamworth, and built the fort there in the fore part of the summer, and before Lammas, that at Stafford: in the next year, that at Eddesbury, in the beginning of the summer; and in the same year, late in the autumn, that at WARWICK.”<sup>1</sup>

The earliest national or political record of the town is contained in that ancient and valuable survey of England, entitled DOMES-DAY BOOK (*circa* 1081,) the report of Commissioners, made in the reign of William the Conqueror, by his order, and the concurrence of Parliament, on surveys or inquisitions of the several counties, hundreds, tithings, &c. Spelman terms it, “ if not the most ancient, yet, without controversy, the most venerable monument of Great Britain.” An early writer declares that it was done to the intent that every man should be satisfied with his own right, and not usurp with impunity what belonged to another. Other persons have supposed that its object was to facilitate and promote the royal ends of fiscal extortion and *taxation*. However this might be, it is a most valuable and au-

---

(1) *The Saxon Chronicles*, edited by the Rev. J. Ingram, 1823: Translation, p. 130.



thentic document of national history. Of the municipal government of Warwick we learn nothing from its pages, but the following extract of that portion of it, relating to the survey of the Borough, will be interesting to the present inhabitants.

“ In the Burgh of Warwic the King hath in his demeasn 113 houses, and the King’s Barons have 112, of all which the King hath his tax.”—The Survey then notes all the Bishops, Abbats, Earls, and Barons that were possessed of those houses. Nothing further of the Burgesses and Burg to any purpose, except these words—“ *In ipso Burgo xix Burgenses, qui habent xix Mansuras cum Saca & Soca & omnibus consuetudinibus, & ita habebant T.R.E.*—In this Burg there are nineteen Burgesses who had nineteen houses, with jurisdiction, protection, and all customs, or forfeitures incurred in them, and so it was in King Edward’s time.”<sup>1</sup>

The Borough was undoubtedly of ancient and considerable consequence, from the circumstance of its early representation in Parliament. The commencement of this inestimable and distinguished privilege cannot be ascertained, but Prynne gives a concurrent list of its Representatives from the 26 Edward I. to 12 Edward IV., with copies of several writs of summons and expenses, then extant in the Tower.<sup>2</sup> And by a finding of the

---

(1) Brady’s *Historical Treatise of Cities and Burgs, or Boroughs*: and APPENDIX, No. I.

(2) Prynne’s *Writs*, part iv. p. 1147-50: Willis’s *Notitia Parliamentaria*.



House of Commons, A. D. 1638, on a contested return, it was resolved, "That the right of election for the Town of Warwick belongeth to the *Commonalty*." <sup>1</sup>

I pass over the frequent manuscript mention of Warwick in the contentions of the early civil wars of the Red and the White Roses, and the occasional visits of royalty before the dynasty of the Stuarts, as affording no information on the rights of the inhabitants or the civil government of the town. The interesting *Itinerary*, also, of Leland the celebrated antiquary, who, in the reign of Henry VIII., about the year 1538, by virtue of a commission under the great seal, perambulated the kingdom in search of objects of antiquity and public records, gives no clue to the origin of the civil government of the Borough. The account of the town, however, is so interesting, that I give it entire in the Appendix, copied in its "venerable orthography," from the original manuscript preserved in the Bodleian library, Oxford.<sup>2</sup>

The piety and munificence of our Roman Catholic ancestors founded and endowed various religious and eleemosynary establishments where the resident poor and travelling mendicants were supported and employed. It is unnecessary to particularize these several institutions, as they are all now decayed or suppressed, the greater part having been confiscated by Henry VIII., and their

---

(1) *Commons Journals*, ultimo Mayij, 4<sup>o</sup> Car. I. 1628.

(2) APPENDIX, No. II.

objects terminated in the introduction of the Reformation. Their origin and history are “buried deep in the obscurity of time,” and what little is known of their revenues and administration is collected in the different antiquarian works.<sup>1</sup> I shall only note, as a grateful tribute of respect and obligation to our CATHOLIC ANCESTORS, that *they* were the first founders of our charitable and public institutions ; that they tended the poor and unfortunate, and first cultivated literature and spread education ; and that, though they may have abused the possession of political power, and introduced errors and persecution into the Christian religion, yet they probably did no more than would have been done by any other political party, or any other religious establishment so long possessed of power, in such unenlightened and barbarous times. We should recollect that their errors have been grossly exaggerated, and their good deeds studiously concealed ; and may it never be forgotten, that they were our ancestors—our parents, from whom all that is sacred, valuable, and interesting, of olden times, is derived and bequeathed to us ;—and if there are those amongst us of ancient and noble families, who still honestly and disinterestedly retain (amidst civil disabilities, prejudice, and political temptations) the religious faith and peculiar opinions of our common ances-

---

(1) Dugdale's *Monasticon* : Tanner's *Notitia Monastica* : Dugdale's *Warwickshire*, &c.



try, let us respect them as fellow citizens, and  
 AGREE TO DIFFER.

Besides the religious houses, there were also in Warwick GILDS, or companies and fraternities of the inhabitants, which, indeed, may be considered as a sort of original Corporation. The formation of these associations has been traced to the Saxon law, which obliged every freeman of fourteen years old to find securities to keep the peace; hence the origin of neighbours entering into a sort of *club*, in being bound for each other, either to produce him who committed an offence, or to make satisfaction to the injured party: they raised a sum of money, or severally contributed a periodical payment to a common fund; and when one of their pledges had committed an offence, and fled, they rendered satisfaction out of this stock, by payment of money according to the offence.<sup>1</sup> Whatever may have been the origin of Gilds, they were certainly in use in England, in all the larger towns and villages, long before any *royal* licence sanctioned them. As trade and manufactures,—the population and opulence of towns increased, the objects of these fraternities enlarged, and it probably became necessary to obtain legal constitutional powers of incorporation; the sagacity of our Kings also discovered the eligibility of granting privileges and immunities in exchange for

---

(1) Madox, *Firma Burgi*: Brady's *Historical Treatise on Boroughs*, and *History*. Anderson's *History of Commerce*, vol. i., &c.



*contributions* and *benevolences*, towards their personal pleasures, their foreign wars, and their contentions against the Barons. Moreover, on the dissolution of the religious houses by Henry VIII., and the great change in the ecclesiastical system, it became necessary to provide for the poor, and to divert the waters of charity into new channels. Hence the origin and general introduction into England of CORPORATIONS. There are some Corporations that exist by *prescription*, or long custom, but the greater number, which form the local government of the English Cities and Boroughs, are created by Royal Grant or *Charter*,—written in instruments on parchment, legally termed **LETTERS Patent**, sealed with the great seal of England. These deeds convey and vest the public property in *trust* with certain persons, nominated as trustees, for the *uses* specified in the instruments, and enact rules for the conduct of the trustees, with certain powers of filling up vacancies in their corporate body, occasioned by death, retirement, or removal. The Charter is enrolled in a public office,—THE ROLLS OFFICE OF THE CHANCERY, Chancery Lane, London; and a duplicate copy is, or ought to be, in the town-chest or records of the Borough to whom the Letters-Patent are granted. Accurate indexes of all the numerous City and Borough Charters of several past centuries are kept at this office, and open to the inspection of any persons who pay the customary fees of search, and who may read the original roll, or obtain an official copy of it, if required, at certain

charges. These rolls are, with very few exceptions, in singular preservation. They are written however, unfortunately, in a barbarous law-latin tongue, with numerous contractions, and are only legible or understood by the few who have devoted themselves to the study of the old court hands and the translation of ancient records.

Where several successive charters have been given to a town, the last is called the *Governing Charter*. But it is an established maxim of Corporation law, by legal decisions in various reported cases, that former customs and chartered powers, when not *contradictory* of the governing charter, are binding, and may be maintained.

But to return to Warwick.—We meet with many instances in which the “*Bailiff and Burgesses*” of Warwick are mentioned prior to the Reformation; and it has been surmised, that such descriptions evidence early charters of incorporation now lost and unknown. But this designation, doubtless, only referred to the bailiff or steward of the manorial lord; and by the name *Burgesses* was merely understood the proprietors and inhabitants of the old burgage tenures.

The Corporation of Warwick was created by Henry VIII., by patent, or charter, bearing date in the 37th year of his reign, 5th May, 1546.<sup>1</sup>

This Charter may be properly termed a TRUST. In every trust three characters are essentially and

---

(1) The title—“Quinta pars Paten’ de anno regni Regis Henrici Octavi tricesimo septimo.”



indispensably concerned—1. the *Trustors* : 2. the *Trustees* : 3. the intended *Benefitees*. This subdivision kept in the mind of the reader will save an amplitude of words.

In this original Charter of Henry VIII., the King was the trustor, and constitutes the *Burgesses* at large the trustees of certain therein described freeholds, tithes, and other property, to receive the rents and proceeds, and apply them for the common benefit and good of the Burgesses and *Inhabitants* of the Town of Warwick, and more particularly to maintain certain objects especially named in the Charter. He empowers them to have a corporate seal for the objects of the above trust only, and by the general name of “The Burgesses of Warwick” to sue or be sued in legal proceedings.

Two principal and paramount objects appear in the grant of these public funds and corporate privileges, *viz.* the endowment and due preservation of the established religion of the kingdom, and the foundation of a PUBLIC GRAMMAR SCHOOL for the education of the children of the Burgesses and *Inhabitants*.<sup>1</sup> It will, of course, be recollected, that the suppression of the religious houses,

---

(1) The perusal of the Original Record will satisfy any one (not desirous of abridging this invaluable right) that the *Inhabitants*, or residents, are most specially named in the Charter as eligible to and interested in this and all other rights of the town. The preamble of the Charter says—“Ad dilectos subditos nostros Inhabitantes Ville Warwici pro eorum universo comodo & communi utilitate incorporand’, &c.” But more on this subject hereafter.



and the entire change of the Roman Catholic church establishment, had sequestered, and for the most part vested in the crown, all the funds which had heretofore maintained the ministers of religion, and defrayed the expenses of building and repairing the edifices of religion and public worship. Also, that the Catholic Priesthood had alone been hitherto entrusted with the education of youth. Hence it became necessary to provide for these two great objects of national importance—the Church, and Public Education.

The salaries accordingly ordered to be paid annually by the trustees (the Burgesses) were as follows:—

	£	s.	d.
To the Vicar of St. Mary (such Vicar to be appointed by the Crown)	20	0	0
To a Master of the Town Free School (appointment reserved to the Crown)	10	0	0
Two Chaplains, a Sexton, &c. to be provided and paid by the Burgesses.			

A continual vicarage is then established, and endowed with a house and annual salary of £40, and it is ordered that the said vicar “shall be in the place of Rector,—shall make his residence therein, and maintain hospitality,—shall take daily care of the parishioners,—shall do and perform all other things that are sworn to belong to the office of Rector or Vicar,” &c.

The foundation of the school being a very peculiar and specially worded clause, I give the original and translation in parallel columns.

## CHARTER.

AC ULT<sup>9</sup> IUS SCIATIS qđ Nos singulari ducti amore & affectu quo Subditi Regni nři impuberes infra dēm Cōm nřm Warř non pař psequimr ut imposterum ab incumabulis polerioribz imbuti tris qm ante nřa tempora erat solit cum ad pvectionem devenierint etatem erudiciores evadant, sic nimirū existimantes Eccliam Xpi Anglicanam cuius vices in teřr immediate gerim<sup>9</sup> non minus in re traria doct' qm prudentibz ad univsum Regni nři cōmodum ornari decorariq, quandam libam Scolam in dca villa Warwici de uno Mađro sive pedagogo tenore ppsenciū realit' & ad plenū cream<sup>9</sup> erigim<sup>9</sup> fundam<sup>9</sup> ordinam<sup>9</sup> facim<sup>9</sup> & stabilim<sup>9</sup> ppetuis futuris temporibz duratuř ac sic stabiliri & imppm̄ inviolabilit' observari volum<sup>9</sup> & iubem<sup>9</sup> p ppsentes, et qđ dict' Scola sic p Nos fundat' creat' erect' & stabilit' vulgarit' *The Kinge Rewe Schole of Warwyke* imppm̄

## TRANSLATION.

AND further know ye, that being induced by the singular love and affection which we bear in no small degree towards the youthful subjects of our realm within our County of Warwick, in order that from henceforth, being instructed from their cradles in more polite literature than was heretofore accustomed, when they shall attain a more advanced age, they may go forth more learned; thus truly thinking, that the English Church of Christ (whose office on earth we immediately bear) ought, for the universal benefit of our realm, to be adorned and embellished, not less with learned than discreet men: We do, by tenor of these presents, really and fully create, erect, found, ordain, make, and establish a certain FREE SCHOOL in the said Town of Warwick, of one Master or Schoolmaster; and we will and command, by these presents, the same to be established and inviolably to be observed for ever. And that the said School, by us so founded, created, erected, and established, shall be for ever nominated, called, and commonly entitled the King's New



vocet<sup>r</sup> nōiet<sup>r</sup> & appellet<sup>r</sup>; Ac qđ in eadem Scola crit Magist<sup>r</sup> sive Pedagogus p Nos & successores nōs de tempore in tempus nōiand & appunctuand, qui quidem Magist<sup>r</sup> sive Pedagogus sic p Nos nōiat' seu appunctuat' p nomen Magīri sive Pedagogi dēe Scole nre Ville Warwici vocet<sup>r</sup> appellet<sup>r</sup> & nuncupet<sup>r</sup> ipm<sup>q</sup>, p idem nomen vocari & imppm<sup>q</sup> nuncupari volum<sup>9</sup> & jubem<sup>9</sup> p p̄sentes. Accciam volum<sup>9</sup> qđ idem Magister sive Pedagogus & successores sui Mağri sive Pedagogi dēe Scole nre Ville Warwici hēant & hēbunt successionem ppetuam & sint psonē habiles & capaces tam ad recipiend & pquirend sibi & successoribz suis Mağris sive Pedagogis ejusdem Scole de p̄dēis Burgensibz Ville Warwici p̄dict' quendam annualem redditum pensionem sive annuitatem decem libraz p annū cum clausula districōis p securitate soluōis ejusdem, qm eciam qucumq<sup>3</sup> alia t<sup>r</sup>as ten<sup>9</sup> possessiones &

School of Warwick : And that in the same school there shall be one Master or Schoolmaster, by us and our successors, from time to time, to be nominated and appointed ; which Master or Schoolmaster, so by us nominated or appointed, we will and command by these presents, shall be called, named, and denominated by the name of Master or Schoolmaster of our said school of the Town of Warwick ; and that he by the same name shall be called and denominated for ever : And we also will that the said Master or Schoolmaster, and his successors, Masters or Schoolmasters of the said school of our Town of Warwick, may and shall have perpetual succession, and be persons able and capable as well to receive and take to himself and his successors, Masters or Schoolmasters of the same school of the aforesaid Burgesses of the said Town of Warwick, a certain yearly rent, pension, or annuity of £10 a year, with a clause of distress for security of payment of the same, as also any other lands, tenements, possessions, or hereditaments, of any persons or person whatsoever, besides the



hereditamenta de quibus- said yearly rent of £10,  
 cunq<sup>3</sup> psonis sive quacumq<sup>3</sup> so that the same do not  
 psona ult<sup>o</sup> dēm annualem exceed the annual value  
 of £10 a year, &c.  
 redditum decem libraꝝ, dū-  
 modo non exced̄ annuū valo-  
 rem decem libraꝝ p annū.

Some objections have been raised to the eligibility of boys (not *natives*) the sons of *inhabitants* of the Borough, to the advantages of this school. No provision exists in this original Charter of foundation for limiting the school to *native* boys of the town; new settlers, therefore, who bring their families, their property, and their industry to a town, and moreover, by paying the town dues and rates, become *Burgesses* of the Borough, are surely entitled to its liberties and advantages. Law and reason are equally against a contrary construction. The object of the Charter is declared to be to benefit the *inhabitants*, not any particular class of them, but all; the whole Borough and the men of the Borough are the objects of the Charter. Nor can such arbitrary and illiberal construction be maintained; for a grant so general cannot be limited to any select body: neither can a *bye law* justify or authorize such injustice, for even if any bye law existed it must be invalid and illegal, being contrary to the Charter.<sup>1</sup>

---

(1) This is an established doctrine of the law. Indeed the Constitution or Common Law imposes on the King's Charters and on the King's Grantees consistency with the laws and sta-

There is, indeed, under the above-cited words of the Charter, good ground for extending to the County this eligibility, for this free school was evidently founded in lieu of the former place and modes of education (under the ecclesiastics), and it is probable that the county town and its collegiate church was the great place of resort for the education and preparation for College of the children of the county gentlemen. The intention of the Charter words, “*within our said COUNTY of Warwick,*” is not that any scholars could be boarded there, but that such inhabitants of the County as chose to send their children into Warwick might participate in the benefits of the *Free* school. And such extension and use of the school, so far from being any loss of advantage to the *Burgesses*, would, as appears from the experience and conduct of other great public schools throughout the kingdom, evidently be attended by beneficial results, inasmuch as the numbers and fame of a school are a probable means of ensuring to itself good management; and to the public their interest in the advantages which it affords.

Such are the few but defined objects and trusts of the first Charter. It is observable that the *Burgesses* are nominated Trustees, without limitation of any particular appointed or elected num-

---

tutes of the realm. No *bye law*, contrary to the common law, can, under any circumstances, or under any charter, be supported. See Golb. 106. 11 H. I. 8 b. 34 b. 3 Lev. 264. Chamberlain of London's Case; and see 14 Hen. VII. c. 7.



ber of them. Considerable doubt and difficulty exist as to the precise character of a Burgess at that period as distinct from an Inhabitant. It is, however, unnecessary for any present purpose to digress on a subject which has perplexed some of the first legal and antiquarian writers. A Burgess may have been a superior sort of freeman, the representative of an ancient burgage tenure, or merely an inhabitant contributor to the local levies. But be this as it may, it is probable that they soon became too numerous for an *executive* body, and that many inconveniences arose from such an indiscriminate trust. Hence probably originated the subsequent charter which vested the conduct of the public property and the regulation of the municipal rights in the hands of a limited body *selected* from the Burgesses at large.

We come now to the *second* Charter of Incorporation, 1 and 2 Philip and Mary, dated the 12th November, 1553. The preamble of this charter recites that “Whereas the *inhabitants* of the Borough of Warwick aforesaid have had and enjoyed, within that Borough and elsewhere within our kingdom, divers franchises, liberties, free customs, jurisdictions, privileges, exemptions, and acquittances, by reason and construction of the deeds, grants, and confirmations anciently made by former kings of England to the *inhabitants* of the Borough aforesaid, which the same have not used or enjoyed for great length of time, by means whereof the Borough aforesaid hath suffered no small injury and detriment, and is almost



threatened with extreme ruin ; and also the good government and order of the same is nearly extinguished ; wherefore the inhabitants have humbly supplicated us, that we, for the purpose of restoring the Borough aforesaid to its former good state, and for the civil government thereof, and for the support and alleviation of the great burdens, charges, and expenses which they have from time to time, and are likely more and more continually to bear and support, would vouchsafe to make, restore, and create the *inhabitants* of the Borough aforesaid into a body politic: We, therefore, assenting to the prayer of the inhabitants aforesaid, &c., do make, ordain," &c.

Other motives, however, perhaps in addition to the above, actuated her Majesty to this act of grace, *viz.* the desire of ingratiating herself with the people, in order to carry into effect her design of restoring the Papal power. Her recent marriage with Philip of Spain had also just been made, strongly against the feeling of the country, and the people considered themselves insulted by the government yielding to Spanish pride and punctilio, in allowing Philip the title of King, and precedence over Mary, in the style of " PHILIP and *Mary*."<sup>1</sup> But however *moved* to grant this Charter, it was

---

(1) Our ancestors, like their posterity John Bull, were easily appeased. Philip drank their health in tankards of ale, threw handfuls of dollars among them, &c. The historians write, that he was a handsome man, richly apparelled, and was gallant to the ladies. *Noailles*, iii. 284.: *Contin. Fabian*, 561.: *Pol-  
linini*, 362.

undoubtedly, at that period, a most valuable royal donation.

The Charter is a voluminous record: from a copy of the original roll and a translation before me I make the following abstract. The Patent incorporates the “Town of Warwick” by the style and description of the “Bailiff and Burgesses,” with a common seal. The jurisdiction is defined to extend over eight wards, and in length and breadth from Em-scott Bridge to the further part of Long Bridge, and from Fordwell Brook to Hampton Brook. Periodical perambulation of the borough is then enjoined, in order to continue and define the Borough limits. “*Twelve of the more honest and discreet men* OF THE SAID BOROUGH” are then nominated, for “aiding and assisting” the Bailiff concerning all matters and businesses of the town, and who are to act for “the public good and advantage of the Borough and inhabitants.” As a proof that this limited number was not intended to exclude the popular influence and advice, or to keep close and secret the business of the trust, the following remarkable clause follows:—“And that the said Bailiff and twelve Burgesses may make, constitute, and admit, from time to time, from the more discreet inhabitants of the said Borough, *as many other Burgesses* of the same Borough as they, in their discretion, shall think proper.” The following subordinate officers are then appointed: a Recorder; a Serjeant at Mace; a Clerk of the Market; a Town Clerk; and a Public Crier. A Mr. Wigston was appointed the Recorder, and with



the Bailiff for the time being was nominated a Magistrate of the Borough—*that* office, therefore, was not then a mere honorary or useless appointment. The markets and fairs are then appointed.<sup>1</sup> The Court-House is then ordained to be the Common Hall of the Bailiff *and Burgesses*, “*for all and all sorts of matters, &c.*” appertaining to the town and public business. The Booth, or Market-place House, is directed to be kept for the convenience of the town and strangers attending markets and fairs. The Bailiff and twelve Burgesses are to meet on Michaelmas-day, and assign two of their number, “that the other men *inhabitants* of the same borough then and there present, or the major part of them, may choose one of the two to the office of Bailiff for one entire year.” A succeeding clause then directs, that when any assistant Burgess<sup>2</sup> shall “*reside out of the Borough,*”

---

(1) The force of custom is remarkable in the observance of Sunday. By this Charter two market days a week are constituted, *viz.* Thursday, and “every Sabbath day!” A few weeks since a Leeds hair-dresser was fined in the penalty of five shillings, and ten shillings costs, for exercising his craft on Sunday. A decent appearance in a place of worship was formerly considered so desirable, that the operation was performed in church-yards; and indeed it was an ancient custom for our *barb-arous* ancestors to practice their art and mystery in attending there before matins, which liberty was terminated by a special prohibition of Richard Flemmyng, Bishop of Lincoln, A. D. 1422.

(2) These twelve Burgesses were, of course, answerable to the modern name of *Aldermen*, a general and antient designation of “great men,” but not applied to a capital Burgess till a later period.



or for any other cause be removed, or shall die, another Burgess shall be elected by the Bailiff and surviving eleven to fill up the vacancy. This Charter grants the Court Leet. It then gives a municipal and penal local jurisdiction, power of imposing fines, execution against goods, personal imprisonment, forfeiture of goods of felons, certain officers to set the assize of bread, wine, weights, and measures, piccage and stallage, &c.; with the grant to the "Bailiff and Burgesses" of sending two members to Parliament.<sup>1</sup>

This Charter was indisputably a valuable gift to the town. As its population and trade increased, and as the funds of Henry the Eighth's trust became larger, from the increase of property, it became necessary that a more regular municipal government and local magistracy of the Borough should be established. The value of the local civil jurisdiction was inestimable, and gave that judicial advantage to *Boroughs* which was already given to *Counties* in the magistracy,—bringing back the Saxon principle of territorial courts, and giving the poor man justice at his own door, and within his means. It is observable, that under this

---

(1) Although the words of this Charter seem to limit the parliamentary franchise to the Bailiff and Burgesses (meaning the Capital Burgesses), such limitation certainly, by the findings of the House of Commons, was neither law or custom. Indeed, the preamble of this Charter of 1553 recites, that the Borough "*has, and from time whereof the memory of man runneth not to the contrary, hath been accustomed to have, two Burgesses of the same Borough in every Parliament,*" &c.

Charter all the offices (except, perhaps, the most subordinate ones) were not salaried, but gratuitously filled. Residency is also here originally and expressly enjoined, as a qualification of fitness for a Borough office; and who but local and resident officers can possess an intimate or due knowledge of the interests and condition of those for whose service they are appointed? The periodical annual change of the Bailiff, or Chief Magistrate, was also an excellent provision, and needs a very brief exposition. To say nothing of the constitutional principles of our government, no one will deny that this principle is consistent with common sense and every-day experience. A permanent magistrate *may* acquire an influence, and derive an interest, that might affect the disinterestedness of his administration, or bring upon it suspicion or obloquy: particularly where the office is gratuitous and voluntary, the permanent performance of its duties would be unjustly burdensome on the individual. Persons, also, may in time enter public life better qualified for office than a late incumbent. If an official man has been a corruption-hunter, he will scarcely, if the office is an annual one, expose his character and past conduct to scrutiny, by offering himself a second time to choice. "Seven-year-old Mayors," or even the continuance in office of gentlemen for *three* years, are not desirable or justifiable on principle; for however honestly they may discharge their duties, the above reasons prove that they will not have credit for their pains and generous devotion to the public



good.<sup>7</sup> Our Statute-Book attests the possible—the probable abuses of permanent authority.<sup>1</sup> At all events, wise men will not place themselves in such suspicious situations.

The *third* Borough Patent I have met with is dated in the second year of Queen ELIZABETH, 25th February, 1560. It is a charter of *Insuperimus* and confirmation, the immediate cause or motive for which it is unnecessary to investigate. The following is a translation of the preamble and ratification.

ELIZABETH, by the Grace of God, of England, France, and Ireland Queen, Defender of the Faith, &c. To all to whom these present Letters shall come sendeth greeting: We have inspected the Letters Patent of our Lord Philip and Lady Mary, our most dear sister, lately King and Queen of England, made as follows,—PHILIP and MARY, by the Grace of God, King and Queen of England, France, Naples, Jerusalem, and Ireland, Defender of the Faith, Princes of Spain and Sicily, Archdukes of Austria, Dukes of Milan, Burgundy, and Brabant, Counts of Flanders, Hapsburg, and Tirol, To all to whom these present Letters shall come sendeth greeting; Whereas our Boro' of Warwick, in our County of Warwick, is an ancient Borough, &c.: We therefore, ratifying the aforesaid Letters Patent, and all and singular other the things therein contained, do, for ourselves, our heirs and successors, as much as in us lies, accept and approve the same, and do ratify and

---

(1) See Statutes, 9 Ann. cap. 20, sec. 8: 13 & 14 Car. II. cap. 12. sec. 15. Also, a recently published and excellent pamphlet—“*Observations upon the Municipal Bodies in Cities and Towns incorporated by Royal Charters, within England and Wales, By R. P. Cruden:*” London, 1826.



confirm to our well-beloved the present Bailiff and Burgesses of the said Boro' of Warwick, and their successors, as the aforesaid Letters Patent in themselves reasonably testify: In witness whereof we have caused these our Letters to be made patent. As witness ourselves at Westminster, the 25th day of February, in the second year of our Reign.

About this period a most valuable charity was founded by SIR THOMAS WHITE, an Alderman of London, by the investment of the sum of £1400 in land, in trust, the proceeds to be rateably divided between certain corporations of the midland counties, of which, by the original deed, and by subsequent decrees of the Court of Chancery, *four-sevenths* of the nett produce of these lands is directed to be paid, once in every five years, to the CORPORATION OF WARWICK, for the purpose of assisting young tradesmen, "inhabitants, being of good fame," in setting up in business, by the free loan of £50, on finding good security for nine years. How far the Corporation of Warwick faithfully administer *this* trust will be matter of inquiry and observation in my after pages; I only mention the charity here to preserve my chronological order.<sup>1</sup>

---

(1) By the last returns under the Property Tax it appears that the annual value of the charitable donations and funds of Great Britain is £1,028,993, 8s. 10d. ! viz.

England - - - - -	£972,396	11	0	.
Wales - - - - -	3,519	13	11	
Scotland - - - - -	53,077	3	11	

---

Great Britain - - £1,028,993 8 10

The extraordinary increase in the value of English charity property is too well known to require any instances. Money vested in land many centuries since has not only increased in value with the progress of agriculture and population, but frequently, from its locality to towns and different causes, has exceeded in accumulated value the progressive increase of other descriptions of early investment. In order to judge of the worth of money-legacies and other sums, left at different times, it is necessary to regard the relative value of money at different periods. To assist the reader in this respect, the subjoined table is added. It is prepared from Appendices VIII. and IX. in vol. iii. of Eden's *History of the Poor*. The interval between the Conquest and the year 1601 embraces the time when most public charities were founded. Since the 43d of Elizabeth, too, there has been no alteration either in the standard fineness or weight of the £1 sterling of 20s. The price of wheat is in the money of the time, as nearly as can be ascertained.<sup>1</sup>

---

(1) The public are aware, that a most useful and long desired Parliamentary Commission is still laboriously employed in the several counties of England and Wales, "To inquire concerning Charities for the Education of the Poor," stat. 58 Geo. III. c. 91.; and "To extend the powers thereof to other Charities," stats. 59 Geo. III. c. 31. and 6 Geo. IV. c. 58., a most valuable abstract of whose reports is now publishing in monthly parts of one shilling each.

*Table of the relative value of Money at different periods.*

	YEARS.	Value of £1 Sterling in present money.			Price of Wheat.		
		£	s.	d.	£	s.	d.
Conquest.	1066	2	18	$1\frac{1}{2}$	0	0	4
28 Edw. I.	1300	2	17	5	0	6	5
18 Edw. III.	1344	2	12	$5\frac{1}{2}$	0	3	8
20 Edw. III.	1346	2	11	8	0	4	6
27 Edw. III.	1353	2	6	6	0	6	8
13 Henry IV.	1412	1	18	9	0	4	4
4 Edw. IV.	1464	1	11	0	0	6	8
18 Henry VIII.	1527	1	7	$6\frac{3}{4}$	0	15	0
34 Henry VIII.	1543	1	3	$3\frac{1}{4}$	1	0	0
36 Henry VIII.	1545	0	13	$11\frac{1}{2}$	0	18	8
37 Henry VIII.	1546	0	9	$3\frac{3}{4}$			
3 Edw. VI.	1549	0	9	$3\frac{3}{4}$	0	13	4
5 Edw. VI.	1551	0	4	$7\frac{3}{4}$	0	8	0
6 Edw. VI.	1552	1	0	$6\frac{3}{4}$	1	1	0
1 Mary.	1553	1	0	$5\frac{3}{4}$	0	8	0
2 Elizabeth.	1560	1	0	8	0	16	0
43 Elizabeth.	1601	1	0	0	1	7	0

I shall merely remark, in passing, that when charitable donations in progress of time become so productive as to be more than adequate to the objects of the trust, the law of England has naturally and justly provided for extension and addition to those objects. This power may be obtained of the Court of Chancery (*equity*), or by Act of Parliament, as the case may be; but *always* of the legislature: and those trustees who do not avail themselves of this salutary means of improving their trusts are guilty of a violation of their *duty*; not, perhaps, from *corrupt* motives, vulgarly so called, but from motives equally injurious to the



benefitees, *viz.* from ignorance or culpable neglect; and *how* a charity is injured can make no difference in the degree or loss, nor does the law concern itself with the motives of wrong doers: it rectifies the wrong done, and guards against a repetition of the injury.

In some works relating to the county I have seen memoranda of a Charter of JAMES I. to the Borough of Warwick, in most instances alleged to have been granted in the *tenth* year of the reign of that monarch. In searching the indexes of the records in the Rolls Chapel under that date, and other periods of this reign, I cannot discover any charter properly so called. The Corporation, however, in their rolls in the Court House, possess an instrument under the great seal, which probably gave rise to the above error and note of a charter. The document in question I consider, judging from the preamble and context, is merely a *Commission* of the Peace, which appears to have been issued on letters patent in order to control and remove certain outrages, breaches of the peace, and illegal practices which it would seem the local authorities could not suppress. The commission is in *aid* of the Borough magistracy: as the record is extremely interesting and illustrative of olden times, I print it entire in the Appendix.<sup>1</sup>

By some proceedings in the Court of Chancery it is evident that, in the early part of the reign of

---

(1) APPENDIX, No. III.

James I. the Corporation were in a course of illegal conduct not unlike the general state of the Burgesses described in the above special Commission of the Peace. Perhaps, indeed, the demoralized state of the inhabitants may be attributed to the neglect and abuses of the corporate trusts and duties. An information was exhibited against the Bailiff and certain Aldermen, by some public-spirited individuals, on a bill of complaint, 11 James I. A. D. 1613, in which the complainants alleged on oath various malpractices and abuses, chiefly in the neglect by the members of the corporate body of their magisterial duties,—the tenanting by themselves of the corporation lands, at nominal rents,—the improper self-appropriation of the funds of Henry the Eighth's charity,—the low state of the Free-School,—and also the corrupt administration of the private trusts of Oken, Iffeler, and Griffin. The Court appointed commissioners to visit the Borough and examine into the merits of the allegations; who, after hearing witnesses on both sides, reported strongly in favour of the complainants, specifying the several abuses proved before them. A decree of Lord Ellesmere, in 1614, recites all these circumstances, the detail of which is, however, unnecessary. A final decree was ultimately made in the cause, dated 13 James I., 28th November, 1616. The decree simply details the abuses, and remedy against future recurrence, and tenderly overlooks the past; and, “not willing to look back to the mis-employments past, have set down and intended a course how the



lands, revenues, stocks of money, and other profits whatsoever, of or belonging to the said town, should be employed henceforth for the general good of the said town, and as the same was severally given and intended by the donors thereof, and not for the private use of the Bailiff and Burgeses nor any else, &c.”<sup>1</sup> It is then ordered, that the estates in future shall be let at a fair rental;—that the Corporation shall particularly provide for a sufficient number of Church of England clergy to perform the duties of religion;—that they shall “set the poor on work;”—“*and also that they have regard to the schoolmaster of the Free Grammar School, their and his successors, being sufficiently painful and diligent in their places,*” &c.<sup>2</sup> “And furthermore it is ordered and decreed, that the said Bailiff and Burgeses and their successors, and all others any way interested, authorised, or accountable in or touching any revenues or profits of or belonging to the said town, or to the poor people thereof, for ever more hereafter shall, at the general charge of the said town, partly *once a year* make a just and true account of the lands, tenements, rents, revenues, stocks of money, and profits, of or in any wise belonging to the said town or poor people thereof, or other charitable gift or respects there; and of all their receipts, employments, payments, disbursements, and all other their doings therein, or concerning the same, to the High Sheriff and Cus-

---

(1) Decree.

(2) *Ibid.*



tos Rotulorum of the County of Warwick for the time being, &c., the said accounts yearly to be made and taken at such time and place as the said High Sheriff and Custos Rotulorum for the time being shall appoint, and who, if they find any negligence, fault, or defect, &c., concealing or mis-employing, &c., then they shall rectify such negligence, faults, defects, concealments, and mis-employments, as shall be meet.”<sup>1</sup>

Thus early was the Corporation guilty of a breach of trust, in preferring the *self*-interest of its members to the good of the town; and thus did the courts of justice endeavour to prevent a repetition of the abuses, by the salutary check which the *publication* and passing of their accounts afforded. Indeed, the Sheriff and County Magistracy were by the above record invested with the office of *visitors*. This frail body, however, soon relapsed into its original sin.

By a decree of Lord Keeper Coventry, in the 13th year of the reign of Charles I.,<sup>2</sup> we find from the recital, that “the Bayliffe and Burgesses, forgetting the trust in them reposed, had mis-employed the proffitts of the rectories, and converted the greatest part of them to their own private gaine and benefitt.” The Corporation was also, by mismanagement and misappropriation, deeply involved in debt.—The Decree then orders an increase of the annual stipends, as follows:—

---

(1) Decree.

(2) Dated 17th July, 1638.

				<i>Old Stipend. Increase.</i>			
				£	s.		£
Vicar of St. Mary's	-	-	-	60	0	-	10
Assistant to the said Vicar	-	-		20	0	-	10
Vicar of St. Nicholas	-	-	-	40	0	-	10
Vicar of Budbrooke	-	-	-	11	18	-	10
Schoolmaster of the Free School				20	0	-	10
His Usher	-	-	-	8	0	-	2

The latter increase of the salaries of the schoolmaster and his usher is *conditional* in the words of the Decree,—“*Soe as such master and usher teach ALL the children born and brought up in Warwick from the accedence to y<sup>e</sup> grammer and soe forwards, without taking anything for the same, after they are fitt to be taught the accedence.*”

The following increase of petty salaries is then ordered :

				<i>Old Salary. Addition.</i>			
				£	s.	d.	£
The Clerk of St. Mary's Church				3	6	8	2
The Sexton ditto	-	-	-	2	0	0	1

Under this Decree an annual allowance is for the first time granted to the Bailiff, though by the following clause he appears to have always had certain fees or perquisites. “And that the Bailife of the said town for the time being, for the better support and encouragement to undergoe the said office, shall have and receive the said allowance of 20*l. per annum* out of the profitts of the premisses which he now hath, and for divers years last

past hath had." The overplus of the Corporation funds is then directed to be appropriated and accounted for as follows. "After these payments made in such sort as aforesaid, the overplus of the rents and proffitts of all and singular y<sup>e</sup> premises granted by y<sup>e</sup> said K. H. y<sup>e</sup> 8<sup>th</sup> shall be disposed and imployed by y<sup>e</sup> said Corporation for y<sup>e</sup> time being to y<sup>e</sup> uses following, (*viz.*) for and towards y<sup>e</sup> repair of y<sup>e</sup> church and chancell of St. Mary's, in Warwick, and for and towards binding poor children born *or* bred in y<sup>e</sup> town to be apprentices, and for *and towards y<sup>e</sup> reliefe of y<sup>e</sup> poor and aged people of y<sup>e</sup> said towne*, and for and towards y<sup>e</sup> repair of y<sup>e</sup> great bridge there leading over y<sup>e</sup> river Avon, and consisting of many arches, and to and for such other religious, good, and charitable uses, tending to y<sup>e</sup> generall good of y<sup>e</sup> towne and y<sup>e</sup> ease of y<sup>e</sup> inhabitants thereof as y<sup>e</sup> Bailiffe and Burgeses for y<sup>e</sup> time being shall think fitt and convenient, y<sup>t</sup> being hard now to express and foresee all such particulars, accidents, and occasions as aftertimes may produce, to restrain y<sup>m</sup> from y<sup>e</sup> performance of any good worke when y<sup>r</sup> have y<sup>e</sup> means to perform y<sup>e</sup> same: and for the bettr<sup>r</sup> declaration and manifestation of y<sup>e</sup> due imployments of y<sup>e</sup> rents and proffitts of y<sup>e</sup> said premises soe granted by y<sup>e</sup> said K. H. y<sup>e</sup> 8<sup>th</sup> as aforesaid, y<sup>e</sup> said Corporation for y<sup>e</sup> time being shall, y<sup>e</sup> s<sup>d</sup> four years expired, yearley make true and just accounts of y<sup>e</sup> said rents and proffitts, and of the disposition thereof, and shall prepare y<sup>e</sup> same in paper, fair-



ley written, to express the receipts and payments in particular and not in gross, and y<sup>e</sup> same account soe made shall deliver to 2 of y<sup>e</sup> Justices of y<sup>e</sup> said county next adjoyning to y<sup>e</sup> town of Warwick, and who shall reside and inhabitt in y<sup>e</sup> county, y<sup>e</sup> one of y<sup>m</sup> to be chosen by y<sup>e</sup> Corporation of Warwick, and y<sup>e</sup> other by y<sup>e</sup> Vicar of St. Marys in Warwicke for y<sup>e</sup> time being, and who shall by the said Corporation be entreated to take y<sup>e</sup> said account."

In the fourth year of this reign (Charles I.,) we meet with a most singular and almost incredible instance of the degraded and base public character of the inhabitants of the Borough in a novel and extraordinary attempt to *disfranchise* themselves, bowing the knee to a corrupt corporation and the political object of the noble owner of the Castle. On the issue of a Parliamentary Writ for the election of new representatives in the House of Commons, the Bailiff and twelve capital Burgesses usurped the sole power of that important suffrage, and (without the Burgesses) returned Mr. *Robert Grevill*, and Mr. *Francis Lucy* the sitting members. A petition opposed this illegal return: and a counter petition was got up at the instance of the Corporation and political patron signed by TWO HUNDRED Burgesses of the Borough, *DISCLAIMING to have any right of election!* The Committee of Privileges refused to receive this infamous petition, "because if but one commoner appear to sue for his right they will hear him." The Committee reported that the right of election for the Borough of Warwick belonged to the Commonalty; that

Mr. *Grevill* and Mr. *Lucy* were *unduly* elected ; and that a writ issue for a new choice.<sup>1</sup>

I pass over altogether many interesting *historical* matters, relating to Warwick and the political character of its inhabitants, in the early part of the reign of Charles I., and in the eventful times of the Common-wealth, when the PEOPLE struggled and contended against PREROGATIVE, and when both parties committed grievous errors against humanity and common sense. I have not been able to discover any change in the municipal government of the Borough, except in the provisional Commissions of the Parliament party, and the military orders in Council of the King and Cavaliers. Warwick, probably under the personal influence of the celebrated and patriotic Lord Robert Brooke,

---

(1) Commons Journals, 4th Charles I. Brady's Boroughs; Oldfield's *Parliamentary History*, vol. v. p. 66.

This base act of servility on the part of a whole town is only a single proof of the influence of *power* and the de-nationalizing effect of corrupt corporate bodies. A system of corruption and *terrorism* alone could have extracted such complaisance; an influence, in Cornish Boroughs, vulgarly but significantly termed *thumbing*. The act in question may be attributed to the desire of avoiding the charge of *wages* at an early period paid to Members of Parliament, and which was levied on the Burgesses, a burthen on account of which many Boroughs (particularly decayed ones) obtained a royal licence to be relieved of the privilege of representation. But such an exemption could not have been sought in the present case of the Warwick Burgesses, as we find no instances later than Philip and Mary ; the right of returning members being zealously maintained and exercised by all the Boroughs entitled from the time of Elizabeth to the reign of Charles I. See *Dewes's Journals*, fol. 1682, p. 80.



(killed at the siege of Lichfield,) sided with the popular party. But the narrative of the occurrences will throw no light on the more immediate object of these pages ; I therefore pass from these critical and interesting days to the period of the RESTORATION, the reign of Charles II.<sup>1</sup>

With the inconsistency and reaction which always attend civil wars and popular commotions, especially in struggles for political liberty before a nation is ripe for appreciating and enjoying it, the English public, which had just shown itself eagerly combating for civil freedom, now exhibited a corresponding spirit of servility and prostration to the objects and tyrannical designs of a profligate king and a corrupt court. So far from any declaration of rights or necessary stipulations being obtained from Charles II., to prevent the exercise of those unconstitutional prerogatives and usurpations which had brought his father to the block, and rent the kingdom with civil war, he was permitted to return without *conditions*, and allowed to use every former stratagem and illegal prerogative to renew and rivet the political chains of his subjects.

The *corporations* of course were the principal bodies through whom the interests of the monarch and his ministers were sought to be advanced. It is natural that political parties should use all law-

---

(1) The records of the County Sessions, and the *Diary of Dugdale*, (a most valuable and curious manuscript about to be published) contain some interesting local details on this hitherto unexplored period.



ful means in their power to influence public opinion ; but no *bad* means will justify ends however good, and *supposing* that the political principles of government adopted and acted upon by Charles II. were for the good of the nation, the *mode* by which he sought to advance his objects was unconstitutional and unprincipled.

The Parliament of 1661 was the instrument of his political operations. Of the measures adopted to *influence* the corporations and magistracy, and to make them subservient to the court party, by illegally ousting opposition members and a total change of their constitution, we have ample memorials in contemporary historians. Mr. HUME, the partial narrator and apologist of these arbitrary and unjustifiable proceedings, must be considered an undoubted evidence of the fact. In his history of the reign of Charles II., on the first parliament, he writes “The other measures of this parliament still discovered a more anxious care to guard against rebellion in the subject than encroachments in the crown: the recent evils of civil war and usurpation had naturally increased the spirit of submission to the monarch, and had thrown the nation into that dangerous extreme. During the violent and jealous government of the Parliament and of the Protectors, all magistrates, liable to suspicion, *had been expelled the corporations* ; and none had been admitted who gave not proofs of affection to the ruling powers, or who refused to subscribe the Covenant. To leave all authority in such hands seemed dangerous ; *and the Parlia-*

*ment, therefore, empowered the King to appoint Commissioners for regulating the corporations, and expelling such magistrates as either intruded themselves by violence or professed principles dangerous to the constitution, civil and ecclesiastical. It was also enacted, that all magistrates should disclaim the obligation of the Covenant, and should declare, both their belief that it was not lawful, upon any pretence whatsoever, to resist the king, and their abhorrence of the traitorous position of taking arms by the king's authority against his person, or against those who were commissioned by him."*<sup>1</sup>

These political objects and changes were in part effected by the legislature enacting a statute that no persons should be eligible to be elected to any office relating to the government of any city or corporation unless, within a twelve-month before, they had received the sacrament according to the rites of the Church of England. The act enjoins also that the oaths of allegiance and supremacy shall be taken at the same time with the oath of office; and in default of either of these requisites being complied with declares the election void. This statute was intended to exclude especially all *Protestant Dissenters* from civil office in their several places of residence, and consequently to diminish their numbers and influence. It was *depriving* them unjustly (to use no stronger term) of a most valuable portion of their ancient civil *rights*;

---

(1) Hume's History, Charles II.

and this merely from the circumstance and on the plea that that numerous class of English subjects had joined the parliament party and opposed the tyranny of the Stuarts! This statute, known by the name of the *Corporation Act*, was as deficient in effect against all *dishonest* Protestant Dissenters as it was bad in principle; the operation of an *oath* can only exclude from office the conscientious honest-minded man, (who would, whatever his religious *opinions*, perform his duty to his fellow citizens in corporate trusts,) but it can never exclude the *apostate*: it may make men hypocrites, but cannot make them converts. The *mode*, also, of exclusion by the prostitution of the sacred emblem and sacrament of Christian concord to civil purposes cannot be too severely reprehended. True it is that by subsequent statutes<sup>1</sup> the Corporation Act has been virtually repealed, but the continued use of this holy rite, even by members of the Church of England itself, as the passport to civil office, is insulting and degrading to the Church, and admits of no apology. What feature is it in the opinion, character, or conduct of a Protestant Dissenter, the industrious and respected inhabitant of a town, which renders him unfit to be trusted with the management of the public charity funds? Why should not his class of religious belief participate in the enjoyment of those funds, and in the credit and usefulness of distributing them? And if a Burgess take the sacrament of the Church

---

(1) 5 Geo. I. cap. vi. sect. 3. and the Indemnity Act.



of England against his conscientious dissent from some of the *doctrines* of the established creed, and some of the ceremonial *forms* of the Church, (all believing alike the essential substantial truths of Christianity) how does it the better qualify him for the office of a corporation? One of our great poets, a man of noble understanding though morbid feeling, unanswerably argues the abandonment of this absurd and impious prostitution of the sacrament—

“Hast thou by Statute shov’d from its design  
The Saviour’s feast, his own blest bread and wine,  
And made the symbols of atoning grace  
An office-key, a picklock to a place,  
That infidels may prove their title good  
By an oath dipp’d in sacramental blood?  
A blot that will be still a blot, in spite  
Of all that grave apologists may write;  
And though a Bishop toil to cleanse the stain,  
He wipes and scours the silver cup in vain.” (1)

There may be those amongst you who will think these remarks irrelevant to the particular object of this letter. But no opportunity should be passed by of inculcating the great political principles of civil freedom; of suppressing those unchristian and ridiculous prejudices of religious difference under which many of us live, ignorant of each other’s good qualities, indulging groundless dislikes; and of advancing those noble and benevolent national reforms and improvements which are the characteristic signs of the present age.

The foregoing extract from Mr. Hume’s His-

---

(1) Cowper: Expostulation with England.

tory, and the subsequent remarks, will have anticipated the probability of a new charter, somewhere about this period, for accomplishing the purposes of Charles II.

Accordingly we find a *third* Charter of the Borough, of the date of 13th October, A.D. 1665, in the sixteenth year of his Majesty's reign. The preamble recites that "our beloved subjects the present Bailiffs and Burgesses of the Borough aforesaid have humbly supplicated us that we, for the promotion and better government of the same Borough, would extend and graciously afford in this behalf our royal grace and munificence, &c. with the addition of such liberties, privileges, immunities, and franchises as should to us seem most meet." It is not worth while to inquire whether the inhabitants anticipated the wishes of the monarch, and *pro formâ* petitioned for a new charter, or whether his Majesty signified to *Warwick* his desire to confer this mark of especial grace and favour.

This Charter contains the usual clauses constituting the inhabitants "one body corporate and politic, by the name of the Mayor, *Aldermen*, and Burgesses of the Borough of Warwick." It creates 1. A *Mayor*, to be annually changed, who "shall be one of the more discreet and honest men of the said Borough." 2. Twelve *Aldermen* of the same character. 3. "And also, that in like manner there may and shall be within the same Borough *twelve others*, of the more honest and discreet men of that Borough, to be from time to



time elected in form hereinafter in these presents specified, who shall be and shall be named ASSISTANT BURGESSES of that Borough." The Mayor, Aldermen, and Assistant Burgesses are then nominated and appointed, doubtless all "good men and true," and discreetly sensible of the principles they were to uphold. It is then directed that the Mayor, Aldermen, and Assistant Burgesses shall be *co-equal* in municipal powers of bye laws, local administration of justice, &c. On death or removal from office of the Mayor, and on the annual vacation of that office, the Aldermen *and* Assistant Burgesses are directed to meet and nominate "two honest and discreet men from the Aldermen of that Borough, who have not before, within the space of two years then last past before their said election, been chosen to the office of Mayor of the Borough aforesaid," of which two men the Aldermen and Burgesses are to elect either of the two so assigned to the office of Mayor. Vacancies in the body of Aldermen occasioned by death, removal from office for misconduct, resignation, "*or not continually inhabiting or residing within the Borough aforesaid,*" and being thereon amoved from office by the Corporation, to be filled up within eight days of such vacancies by the majority of the Aldermen, electing as successor a burgess who had "inhabited in the Borough for the space of *three* years." The vacancies in the body of *Assistant* Burgesses by death, removal, resignation, "or not constantly residing or remaining within the Borough aforesaid," to be filled up in like manner by the Mayor



and Aldermen with burgesses who had also inhabited the town three previous years. Moderate fines for refusal of these several offices are then enacted. The various offices of Recorder and Deputy Recorder are established; and the Charter further proceeds “we will that the Mayor, Aldermen, and Burgesses shall have for ever hereafter within the Borough aforesaid *a man conversant with the English Laws* who shall be *Town Clerk*,” &c. A Court of record is appointed to sit at the Court House every Wednesday. The former and usual powers are then given; and the Charter concludes with directing all the officers of the corporation to take such *oaths* as the statutes and laws of the realm (to wit, the late statute 13th Charles II. st. 2. cap. 1) commanded.

This Charter, undoubtedly in its particular injunction of *residency* in the corporate officers, and in the creation of the *Assistant Burgesses* coextensive in power with the Mayor and Aldermen in every thing but the filling up of vacant offices, very greatly favoured the popular and constitutional principles of civil government. It gave a Common Council co-equal power over the collection and expenditure of the town funds, and the local administration of justice.

But, however well this charter suited the purposes of the burgesses and inhabitants of Warwick it did not altogether “work well” for the Court! The people had now the reward of their servility in taxation so excessive and invasions of the constitution so barefaced that the King and

his minion ministers could no longer *manage* Parliament or control the “country party.” The citizens of London, ever jealous of their political rights, were particularly hostile to the Court, and in the metropolis, the very heart of the country, maintained a constant flame of political opposition which spread throughout the kingdom. The King, by a stretch of arbitrary authority, though perhaps according to the *forms* of justice, and by the instrumentality of venal Judges (who then held their judgeships during pleasure and were consequently under the thumb of the King,) seized upon the charter of the City and adjudged it forfeited.<sup>1</sup> To an application from the Livery to restore the charter the King conditionally consented, taking to himself a *veto* of approval and power to displace any corporate officer.<sup>2</sup> By the same process of *Quo warranto*, (or writ of inquiry *by what warrant* members of corporations exercised their official powers) all the boroughs and cities were laid prostrate at the altar of royal grace. Hume writes on these transactions, that “it was impossible that any cause where the Court bent its force could ever be carried against it.” That historian thus prepares us for finding a *fourth* Char-

---

(1) By the statute 2 William and Mary cap. 8. on the Revolution, the judgement was reversed and the charter restored ; and it was enacted that thenceforth no common-law corporation should be dissolved for default of electing the Mayor or head officer on the charter day.

(2) For a detail of this case see Burnett's History of his own times, vol. i. p. 535, fol. ed.



ter of Warwick; "All the corporations in England, having the example of London before their eyes, saw how vain it would prove to contend with the Court, and were, most of them, successively induced to surrender their charters into the King's hands. Considerable sums of money were exacted for restoring the charters; and all offices of power and profit were left at the disposal of the crown".<sup>1</sup>

Some years previous to this period another law had passed, (originating in the violent fear entertained by the people of the Roman Catholic opinions of Charles II. and his brother the Duke of York,) which again affected and limited eligibility to corporate offices, *viz.* the *Test Act* (the 25th Car. II. cap. 2.) a statute which required all officers, or any persons who should receive any salary, pay, or fee, by reason of any patent of his Majesty, to take the oaths and make the declaration against transubstantiation, &c. within three months after admission to office.<sup>2</sup> As this statute is so publicly known, from imposing the disability under which Catholics now labour, I shall not argue its policy or impolicy, but merely observe, that it was certainly intended as a *temporary* measure only;—that the object of its enactment has long since ceased to exist;—that its continuance is peculiarly hard on the Protestant Dissent-

---

(1) History, Charles II. A. D. 1683.

(2) Various modifications have, at different times, since been made in this act, amongst which may be mentioned the provisions of the 5th Geo. I. st. 2. cap. 13: 2 Geo. II. cap. 31: 9 Geo. II. cap. 26: and 57 Geo. III. cap. 92.



ers, who acquiesced in it without any idea of its being permanently enforced upon themselves ;— and that in itself it is a remnant of the system of *oaths*—

“ Which, binding polity in spiritual chains,  
And tainting piety with temporal stains,  
Corrupts both State and Church, and makes an oath  
The knave and atheist’s passport into both.”

Such as before alluded to were most probably the *state reasons* which gave birth to the *fourth* Charter, 35 Charles II., bearing date the 18th December, A.D. 1684. The former charter as might be imagined was agreeably *surrendered*, as the new one states in the preamble that it is granted “ in conformity to the humble petition of the late Mayor, Aldermen, and Burgesses of the Borough of Warwick.” This charter is, in most respects, similar to the preceding one, except that the *Assistant* Burgesses are limited in number to *eight* ; and the King, by a special proviso, reserves the power of removing any of the corporate officers by an order of council. A power is given to the “ Mayor, Aldermen, and Recorder,” “ at all times to remove any one or more of the Assistant Burgesses, and to increase the number of the Assistant Burgesses, as often as to the Mayor, Aldermen, and Recorder of the Borough aforesaid for the time, or the greater part of them, it shall seem convenient.” The oaths and declarations are then specially enjoined to be taken by all officers of the Borough.

The intent, and doubtless the effect, of this

charter upon charter, was to make the people the creatures of subserviency—

“ Hence Charter’d Boroughs are such public plagues ;  
 And burghers, men immaculate, perhaps,  
 In all their private functions, once combin’d,  
 Become a loathsome body, only fit  
 For dissolution, hurtful to the main.” (1)

As these interesting and important historical facts, relating to the shuffling and changing of charters, illustrate the political history of other towns, I am tempted to quote the following few but excellent remarks of Bishop Burnett on the infamy of these scandalous acts of usurped prerogative and public degradation:—“ The Court was every where triumphant. The Duke was highly complimented by all, and seemed to have overcome all difficulties. The Court, not content with all their victories, resolved to free themselves from the fears of troublesome parliaments for the future. The cities and boroughs of England were invited and prevailed on to demonstrate their loyalty, by surrendering up their charters, and taking new ones modeled as the Court thought fit. It was much questioned whether those surrenders were good in law or not: it was said that those who were in the government in corporations, and had their charters and seals trusted to their keeping, were not the proprietors nor masters of those rights: they could not extinguish those corporations, nor part with any of their pri-

---

(1) Cowper.



vileges. Others said, that whatever might be objected to the reason and equity of the thing, yet, when the seal of a corporation was put to any deed, such a deed was good in law. 'The matter goes beyond my skill in law to determine it; this is certain, that whatsoever may be said in law, there is no sort of theft or perfidy more criminal, than for a body of men, whom their neighbours have trusted with their concerns, to steal away their charters, and affix their seals to such a deed, betraying in that their trust and their oaths. In former ages, corporations were jealous of their privileges and customs to excess and superstition.'<sup>1</sup>

We now come to the period of the REVOLUTION, when a better family and more just principles ruled over the people of England. The first acts of William and Mary were auspicious to the liberties of the country, as their majesties began to reverse the abominations and usurpations of their royal and worthless predecessors. Most of the charters of the cities and boroughs, on their happy accession to the throne, and as soon as attention could be bestowed on the subject, were *remodeled*, but changed after a different fashion from their former moulding, *viz.* according to law and the advanced state of society.

The Charter of WARWICK was accordingly determined and renewed in the fifth year of the reign of William and Mary, the new one bearing

---

(1) Burnett's Own Times, vol. i. p. 527. Oxford ed. 1823.



date the 18th of March, 1694, the original and a translation of which are prefixed to this letter.

I shall defer any observations on the clauses and prescriptions of this Charter until I examine into the *present* state of the Corporation, whose members *ought* to administer their trust according to the literal and distinct mandate of the Governing Charter and the law of the land. In subsequent pages I shall show in what respect the Corporation legally and properly discharge their public duty, and wherein they do *not*. The original record has been printed *verbatim* and parallel with the translation, so that any misconstruction or misstatement of the Charter may be readily corrected.

In this year, September, 1694, a destructive fire laid waste the greater part of the town.<sup>1</sup>

The devastation consequent on this unfortunate event, and the difficulty and litigation attending the determination of the respective sites and boun-

---

(1) Harleian MSS. British Museum, F. No. 6839. See a supposed letter from a gentleman in Worcester to a friend, entitled "An Account of the dreadful Fire at Warwick, which happened the 5th instant, at 2 in y<sup>e</sup> afternoon." The following is a copy of the manuscript:—

"This irresistable fire in five howers time consumed all y<sup>e</sup> High-street, Church-street, Ship-street, the Great Church, many lanes and other buildings: the howses are numbred at present att 460, the damage at the least amounts to 120,000*l*. this account was sent yesterday to our Bishop with a particular of y<sup>e</sup> money already sent for their releife, Coventry 200*l*. Birmingham 100*l*. Lord Brooke 40*l*. Lord Coventry 30*l*. in all about 600*l*. and wee are just going to make a collection for y<sup>e</sup> support of the misserable inhabitants.—Worcester, Sep<sup>r</sup> 10, 1694."

daries of property, rendered it necessary to apply to the Legislature for a local statute, which was obtained, and is described in the Table of Private Acts, as "An Act for rebuilding the towne of Warwick, and for determining differences touching houses burnt and demolished by reason of the late dreadful fire there."<sup>1</sup>

However injurious this calamitous accident may have been to the temporary prosperity of the borough, the town is probably indebted to it for its present architectural and superior appearance compared with other country towns. This Act, commonly called the "Warwick Fire Act," contains nothing affecting the municipal jurisdiction of the borough, except the following clause: "And for the better encouragement of gentlemen and others to build and reside in the said town, Be it enacted by the authority aforesaid, that the justices of the peace for the county of Warwick, from time to time being, who shall be inhabitants within the said town, may for ever hereafter use and exercise their said office to all intents and purposes within the said town and liberties thereof, and in the Sessions of the said town to be held, as they may or can do in the said county at large or in the public Sessions thereof; And that all other persons who from time to time shall be justices of the peace for the said county shall for ever hereafter use and exercise the said office, within the said town and liberties thereof, during the time in

---

(1) 6° and 7° William and Mary, 1694-5.



which the assizes and public sessions of the peace for the said county shall be there kept." But I apprehend that this power was altogether invalid under the intromittent clause of the Governing Charter, and was subsequently repealed by the statute 9 George I. which merely now enables and restricts county magistrates, dwelling in a city, borough, or precinct, to act for the county at large, but *not* to interfere in the local jurisdiction.

In 1710 an important Act of Parliament was made<sup>1</sup> "for rendering the proceedings on writs of *Mandamus* and *Quo warranto* informations more speedy and effectual, and for the more easy trying and determining the rights of offices and franchises in corporations and boroughs." The section viii. in this statute, is an important part of the enactment in its penal consequence to those *annual* Mayors and chief officers who shall be illegally re-elected or hold over and obstruct the election of a successor: "And whereas in divers counties, boroughs, &c. where the Mayor, Bailiff, or *other officer or officers*, to whom it belongs to preside at the election, and make return of any member to serve in Parliament, ought to be annually elected, the same person hath been re-elected into such office for several years successively, which hath been found inconvenient: Be it enacted and declared, that no person or persons, who hath been or shall be in such annual office for one whole year, shall be capable to be chosen into the same

---

(1) Statute 9 Ann. cap. 20.



office for the year immediately ensuing; and where any such annual officer or officers is or are to continue for a year, and until some other person or persons shall be chosen or sworn into such office, if any such officer or officers *shall voluntarily and unlawfully obstruct and prevent the choosing another person or persons to succeed into such office at the time appointed for making another choice*, he or they shall forfeit ONE HUNDRED POUNDS for every such offence, to be recovered with costs of suit, by such person as will sue for the same in any Court of record, by action of debt, bill, plaint, &c. one moiety to the crown, and the other moiety to the person who will sue for the same, &c.”

In 1722, an important decretal order of the Court of Chancery was made in a suit relating to the misgovernment and misapplication of *Sir Thomas White's* charity.<sup>1</sup> The Corporation of Coventry had scandalously abused this trust; and by subsequent equity decrees the letting of the estates was better regulated, and the division of the assets periodically and more equitably divided among the corporations entitled.

In 1724, a statute further improved the law and regulation of corporations, entitled “An Act for preventing the inconveniences arising for want of elections of Mayors or other chief magistrates of boroughs or corporations being made upon the

---

(1) Dated 10 Geo. I. December 20, 1722. See *An Account of the many and great Loans Benefactions and Charities, belonging to the City of Coventry*, 8vo. London, 1733, where the Decree is published, with a schedule of the rentals of the estate.

days appointed by charter or usage for that purpose, and directing in what manner such elections shall be afterwards made.”<sup>1</sup> By the first section of the statute it is provided that when the election of Mayor or other chief officers shall not be made on the days appointed by charter or usage, in consequence of the non-attendance (concerted or accidental) of the Mayor or other chief officers, Burgesses may meet in the Town Hall or other usual place of election *the day following*, and there between the hours of ten and two o’clock proceed by themselves to the election of a Mayor. And if no election be made on the following day, as above authorized, the King’s Bench may award a peremptory *Mandamus* for such election. Section vi. of the same statute, also enacts a more specific Penal consequence for concerted absence from charter-day meetings than before existed under the common law ; as follows : “ and be it further enacted that if *any Mayor, Bailiff or Bailiffs, or other chief officer or officers* of any city, borough, or town corporate shall *voluntarily* absent himself or themselves from, *or knowingly and designedly prevent or hinder the election* of any other mayor, bailiff, or other chief officer in the same city, borough, or town corporate, upon the day or within the time appointed by charter or ancient usage for such election, the person or persons so offending, being thereof lawfully convicted, shall for every such offence *suffer imprisonment*

---

(1) Stat. 11 Geo. I. cap. 4.



*for the space of* SIX MONTHS without bail or main-prize, AND SHALL BE FOR EVER DISABLED TO TAKE HOLD OR EXERCISE ANY OFFICE BELONGING TO THE SAME CITY, BOROUGH, OR CORPORATION.”

In 1736 the Corporation were again chastised by the strong arm of the law, on an information, at the relation of “Joseph Brooks and John Phelps, Thomas Archer and Henry Wise, *Esquires*, on behalf of themselves and the rest of the inhabitants of the town of Warwick.” The relators charge their trustees with the illegal and corrupt application of the funds of Henry VIII. and Sir Thomas White’s charity ; with inordinate feasting at the expense of the town, “and in erecting stately buildings of no use to the said inhabitants, &c. there being then several commodious buildings sufficient to answer all necessary occasions.” It is unnecessary to cite all the details of this suit.<sup>1</sup> By a decree of Lord Hardwicke the general questions of amount and augmentations were referred to a master, who subsequently reported at considerable length various illegal acts and corrupt appropriation of funds by the corporation. A second and final decree was then made by Lord Hardwicke,<sup>2</sup> 13 Geo. II., which remedied most of the evils complained of, and until repayment of all the misappropriations and debts placed the charity es-

---

(1) In the Mayor’s answer he admits taking an increase of stipend from £20 to £60 a year “in consideration of making a treat on his being sworn and on other public occasions.”

(2) Decree, dated 31 Oct. 1739.



tates in the hands of a receiver of the Court. The *sixth* enactment of the decree, still binding and imperative, is a most important provision for the fair letting of the corporation trust property. “*Sixth*, that before any part of the said premises be let on lease or otherwise, the said corporation or in their default the said receiver do cause public notice to be given by the respective parish clerks of Saint Mary and Saint Nicholas, and also by the several clerks of the parishes where such estates lye, on a Sunday in the bodies of such churches respectively immediately after evening service, of the time and place of the letting the said estates at the least thirty days before the same are let, and that the said estates shall always be let in the Shire hall within the said borough between the hours of ten and two of the clock on the days appointed for such purpose to the person or persons who will give the most rent for the same, unless such person or persons be incapable of paying or giving good security for the payment of such rent.” No lease is to exceed twenty-one years, and the corporation are ordered to appropriate Sir Thomas White’s fund among “the proper objects within the said borough,” and not to use it themselves.

On the 8th of October 1742, a Sequestration issued against all their real and personal estates for payment of the sum of £931 10s. 5d. the costs in this suit; and a second sequestration on the 18th December of the same year for the further sum of £3109 13s. 2½d. unaccounted for in their general disbursements. The first sequestration

was discharged in 1761 ; but previously the corporate body were sadly degraded and exposed in the eyes of the burgesses. They were turned out of their Town Hall, and were accustomed to meet (as I have been informed) at the house in Jury Street now occupied by Mr. Moulton the Grocer, in a room called the matted chamber ; and it is a tradition that the mace and insignia of office were concealed at the Marble Yard for more auspicious times. At length, on a petition and order of restoration, dated 25th May, 1769, the municipal body were fully reinstated in their estates and dignities. The petitioners humbly represented to the Court that all the original Aldermen defendants in the suit were dead, and their offences therefore buried with them ; and that “ the principal inhabitants of Warwick ” consented to the prayer of the petition. Fifty of the principal burgesses appeared upon petition in the Master’s office on the proceedings for the restoration, and to watch over the interests of the town.

The Order specially directs the punctual and strict observance of Lord Coventry’s decree, 13 Charles I., *viz.* that the receiver of the Corporation shall give in annually to the churchwardens of Saint Mary and Saint Nicholas true copies of the rent-rolls of the charity estates, an account of the tenants’ leases, and a copy of the corporation annual accounts intended to be passed before the two magistrates who are to pass the same, lodging also copies of the accounts when audited with the churchwardens to be kept in the chests of the



churches of the said parishes. And the Corporation are thenceforth to appoint a regular receiver, who is to find sufficient securities according to the decree of the 31st October, 1739.

In the course of this suit and sequestration the Corporation, as appears by a case and opinion before me, advised with Mr. Charles Yorke on the construction of the decrees and the charges against them of misappropriation in unnecessarily building the new Court-house ; also, as to certain future appropriation of their funds. The case and opinion are equally good specimens of the *craft* of corporations and lawyers. The learned counsel gives the following notable and significant advice at the end of an elaborate opinion :

“ Perhaps it may be prudent, in order to prevent  
 “ too much opposition, to confine the first applica-  
 “ tion to the Court by the Corporation to Sir Tho-  
 “ mas White’s money only. There is no advising  
 “ the Corporation without more information than I  
 “ have received, and more consideration than I  
 “ have had opportunity to employ about this busi-  
 “ ness since the papers were laid before me ; but  
 “ this in general I would take the liberty of observ-  
 “ ing to the Corporation that *they can’t proceed in*  
 “ *this matter too gradually, cautiously, or silently,*  
 “ and that they are more likely to get the better of  
 “ the last decree, the great bulwark of their ad-  
 “ versary’s, *by sap than by a public assault.* My  
 “ reasons for this hint are too obvious to need  
 “ mentioning.

“ P.S. I believe a rigid account of charity es-



“tates in the hands of corporations for ten years  
 “past would throw most of them into confusion;  
 “this is very different from the temper of the Court  
 “in the times of Lord Elsmere and Lord Coventry  
 “whose decrees touching this very estate have no  
 “retrospect though they state many particular em-  
 “bezzlements, and the particular persons guilty of  
 “them are named too, and yet what was past was  
 “overlook’d, and the Court contented itself with  
 “setting a guard on the charities for the time to  
 “come.”

I have omitted chronologically to mention that the ASSISTANT BURGESSES were arbitrarily and corruptly discontinued in 1698, in the recordership of Fulke Lord Brooke. The reason for the discontinuance and abolition of that popular part of the Corporation originated in the opposition of the then Assistant Burgesses to his Lordship’s interest at a contested election in the Borough between Admiral Brooke and Sir Thomas Wagstaff, the former of whom was supported by the noble Recorder and the majority of the Aldermen, but failed in the contest, Sir T. Wagstaff being the successful candidate! This fact, and the consequent disgraceful and illegal suppression of the COMMON COUNCIL, is a sufficient proof of the importance of the *Assistant Burgesses* to the political INDEPENDENCE of the Borough, to say nothing of the various other advantages attendant on their constitution and influence. It has been said that the Assistant Burgesses have no *powers*, and are therefore a useless body: but the above remarkable ef-

fect of their exercise of political power proves their possession of most important influence. They, moreover, are entitled to many of the antient co-equal rights given them in the patents previous to the Governing Charter; and any ambiguity in their particular franchises under that latter charter would be liberally construed in their favour by reference to their former powers. But such chartered rights as they do possess would be necessarily *popular* and therefore useful. That body would naturally bring the burgesses at large more immediately connected with the Corporation, and would, in respect of their additional numbers, better inform the burgesses of the general administration of the corporate trusts. The Corporation, also, through the *assistance* of the assistant burgesses, would be better acquainted with the objects entitled to and seeking the benefit of the respective trusts under their management. There would be no secrets, no mysteries. The altered state of things of course would not be pleasant to those who seek to conceal their corporate acts, but it would be a change highly agreeable and useful to the public. Numbers are proverbially not so easily *managed* as a few persons.

By an order, dated 29th May, 1777, the consideration of the corporate funds was again referred to a Master to report on a further augmentation of the stipends, which, on an elaborate statement, was duly and in detail reported on the 11th March, 1779, and accordingly decreed.

It may be stated that during the whole of the



last century the CORPORATION of WARWICK, like most other close corporate bodies, has been used mainly as a POLITICAL ENGINE, and as an instrument of private cabal and individual purpose. The Earls of Warwick constantly “played this card” as a means of maintaining their electioneering influence: occasionally their agents set up in business for themselves, and the servant revolted against the master; and sometimes the great object of intrigue and contention was among the corporate officers themselves, who should obtain the *patronage* of the livings, places, and administration of charity funds for their personal connections. All these matters have doubtless oftentimes, of old and of late, formed a part of the object of seeking and accepting the corporate offices, as well as the public-spirited desire of benefitting their fellow-townsmen. In what relative proportion the public and private objects existed together it is impossible now to detect or expose; but the fact of the *double* end in view cannot be doubted, unless indeed we had seen all the several vacancies of office and patronage filled up by the choice of *merit* instead of *connection*—a change of system in corporations more perhaps to be hoped for than expected.

The late Lord Warwick, who was Recorder of the Borough, had repeated electioneering struggles with the independent party, and by some means or other lost his predominant interest in the Corporation. In 1780 and 1784, the Hon. C. F. Greville and Robert Ladbroke, Esq. were returned to represent the town in opposition to his



lordship's interest ; and in 1802 the late Charles Mills, Esquire, again maintained the independence of the Borough, aided by the increased population, intelligence, and wealth of the burgesses, who no longer chose that their county-town should be a close borough represented by the two nominees of a noble patron. Rank and property ever will and ought to have their due and just influence in a town proportionate to the manner in which the possessors exercise them and comport themselves ; but the injudicious and covetous attempt to obtain a domineering usurpation, and to monopolize, often ends in destroying legitimate influence ; as the dog in the fable swimming across the river, lost the meat in his mouth by snatching at the shadow.

The corporate history of Warwick has been for nearly half a century so much connected with the conduct of a *deceased* member of its body, the late Mr. Alderman Wade, that I feel considerable reluctance to enter on the detail of *that* part of its history. There is a common-place motto, *de mortuis nil nisi bonum*, speak not ILL of the dead ; but there is a more just version by the substitution of the word VERUM for BONUM, (speak nothing but *truth* of the dead,) which is a severe but imperative duty towards a *public* character: the ill repute of misconduct is a necessary and a just consequence on human actions however painful the recurrence to it when the grave has received the object of animadversion. I shall however, in respect to the feelings of the living, merely state that during a

long part of Mr. Wade's continuance in the office of Alderman more reprehensible or notorious official misconduct could not exist; and a usurped domineering control was constantly aimed at and exercised, which I may also add reflects equally on those other members of the Corporation who allowed it to exist, and became willing instruments and confederates in misconduct. The annual officers were seldom changed under his management: vacancies in the body of Aldermen were continued for several years: and a system of party feeling and *secrecy* was maintained to the total disregard of the interests of the burgesses. Indeed only the fear of legal proceedings, and a *Mandamus* in 1803,<sup>1</sup> induced him to elect to vacant offices; and during many years repeated acts of concerted absence from charter-day meetings were arranged and persisted in by him. Mr. Wade could not plead *ignorance* of the gross impropriety and illegality of these official malversations; having been brought up to the bar he well knew his liability to be brought up to it in another way for this criminal conduct. Justice and truth unwillingly extort these remarks from me; and many details are only suppressed from reluctance to disturb further the character of one passed from the cognizance of earthly judges.

An opinion of Mr. Dunning's was taken in 1778, which being in the possession of the Corporation,

---

(1) Dated 7th June, to fill up the vacancy occasioned by the death of Mr. Lilley Smith.



I well know, fully informed certain of the Aldermen of the illegality of their conduct of the public trusts, notwithstanding which they persevered, trusting in their former happy and fortunate impunity.

The most indisputable evidence, however, of the corrupt administration of the Corporation at this period, is afforded by the following singular letter of the late Lord Warwick, who, be it observed, was the RECORDER of this immaculate body !

*To the Independent Burgesses of the  
Borough of Warwick.*

GENTLEMEN,—I think myself particularly called on at this time to address you, lest my silence may be imputed to an unwillingness of avowing my sentiments on a subject which very materially concerns your interest; and I consider it to be in some degree my duty, to acquaint you of those proceedings which I conceived to be necessary, in order to effect, if possible, the great object of my earnest wish,—the restoration of the Corporation of Warwick to that state of independence and respectability from which it has lately fallen. I trust that there is not an Independent Burgess of the Borough who does not agree with me in opinion, that a speedy and an effectual remedy is loudly called for, to prevent the continuance of that unprecedented system of personal usurpation which, to the disgrace of the Corporation, and to the great injury of your interest as Burgesses, has for so many years unfortunately existed. I am confident, that a simple statement of the fact will render all proof of my assertion unnecessary; for there is not an individual amongst you who will deny that the Mayor has not, in defiance of the express ordinances

of the Statutes of the Corporation, long usurped a personal and an illegal power, and suffered the vacancies which the laws of the Corporation direct to be speedily filled up to be so totally disregarded, as to render it a matter of doubt at times, whether the body was competent to do any legal act. There is not a burgess who has been permitted to have any knowledge of the state of those public trusts which were bequeathed for your peculiar benefit, and not for the personal emolument or gratification of any individual; for the Statutes of the Corporation were wisely formed, to prevent the existence of that corruption which must ever be apprehended from uncontrolled power. The distribution of your public charities is a mystery of which you are not thought worthy to be acquainted; and I am persuaded, that there is not a man in the town, except one or two individuals, who can give any account whatever of the manner in which many of the public charities are disposed of.

Nor is it known, I believe, to any of you, whether the very large sums of public money now accumulated have ever been secured by a sufficient pledge, or whether any interest whatever has, for a course of years, been required for their use. Whether the fact is or is not as some have stated it, I confess I know not, but I am certain it is a subject on which you are entitled to receive the most correct and full information.

It may be asked, why I take the present method of delivering my sentiments in this public manner:—my reply is, that, considering the situation in which I stand as a Burgess and as a member of the Corporation, it would have been a criminal breach of my duty, had I not endeavoured at least to prevent the continuance of those evils which could not be viewed without a mixture of concern and indignation; and that I owe to the justification of my conduct, and to you, an explicit ac-



count of the reasons which occasioned me to suspend the prosecution of those legal proceedings which, you cannot but have heard, I have for some time past been engaged in, with the hopes of reinstating the Corporation in such a situation as would entitle it to your confidence. With this view, my first step was to endeavour to render the Corporation itself the instrument of its own restoration ; and I applied to Mr. Wade, and stated to him the necessity of taking some effectual measures by which the Corporation might become, what it ever ought to be, an independent and an efficient body ; and I thought I might have flattered myself with the hopes of obtaining his assistance, as the object I had in view was not grounded on any personal motive whatever, but was established on the clearest principles of justice, and on the express directions of the Statutes of the Corporation. I am very sorry to add, that in this expectation I have been completely disappointed, and that, from the commencement of the business to the present hour, I have met with nothing but the most decided and pointed opposition from Mr. Wade : I therefore resolved to take such legal steps as I believed would soon bring the matter to an issue before the Court of Chancery ; and I applied, by the Town Clerk, for such papers as the Mayor had in his possession, which, as Recorder, I conceived I had a right to claim.

“ I received nothing but a verbal refusal from Mr. Wade, and I have never yet had liberty to obtain even the perusal of them. Judging that I could not form a reasonable expectation, that in future an exception would be made in my favour, from that undeviating course of secrecy and concealment which has for so many years obscured those transactions of which you, as Burgesses, have an unquestionable right to be informed of, I applied to the public offices in London,

and obtained such authentic information as enabled me, with the advice of some of the ablest counsel in the kingdom, to lay the case before the Court of Chancery ; and I had hoped, that very soon I should have had reason to congratulate you on the full re-establishment of your rights as Burgesses.

I come now to account for a part of my conduct, which I feel may be subject to misapprehension,—if not to misrepresentation ; and in justification of my own character, I think myself called on to state to you the reasons which induced me to suspend those legal proceedings which I had, after a very laborious and diligent investigation, brought to such a state as would probably have put a final close to the business. Considering the certainty of a very heavy expense which would have attached to the Corporation, as well as the probable delay which might be expected ; and hoping that, as it could not be the personal interest of any individual of the Corporation to provoke, by illegal measures, that just and severe censure to which he would be subject,—I confess I was induced to believe, it could not be the line of conduct which any member of the Corporation would adopt. In this hope I was again completely disappointed ; and I every day had fresh reason to be convinced, that it was Mr. Wade's determination to secure the continuance of that power which he had too long illegally usurped. But in order to give every possible opportunity for him to correct what the smallest degree of reflection must have convinced him was both an impolitic and a reprehensible conduct, I wrote to the Mayor the 8th day of August last, to request the favour of his answer to the following Queries :—

1st. When he proposed to swear into office the two new'y nominated Aldermen.

2nd. Whether he would oppose the election of persons to fill up the vacancies in the Corporation.



3rd. Whether he intended to resign his office, or would endeavour to continue in it at the next election of Mayor.

To this letter Mr. Wade has not thought fit to return any answer whatever : it therefore becomes my indispensable duty thus publicly to pledge myself to you, that if by any means Mr. Wade shall continue in office of Mayor at the next election, I will directly, at all events, re-commence the prosecution of those legal proceedings which will ultimately establish the possession of your long-neglected rights as Burgesses, and prevent the continuance of mal-administration of those public benefits which you have a right to claim as your inheritance. And here it may be proper for me to remark, that as I have never had any personal disagreement with Mr. Wade, my fixed determination proceeds entirely from my sense of the highly unbecoming part which I should act, if I should suffer myself to connive at what I conceive to be a flagrant breach of public duty.

The Corporation can never become what it was originally designed to be—the efficient protection of your interest, unless the legal number of Aldermen is elected, and the body rendered complete. And should you be so fortunate as to obtain the assistance of respectable persons, such as have lately been added to the number, and such as you have unfortunately lost by the death of that worthy Alderman, Mr. Hiorn, you will no longer have reason to entertain a doubt whether the Corporation deserves to be considered by you as the faithful trustees of your public charities, and the efficient guardians of your general interest ; you will then recover your undoubted rights as Assistant Burgesses,—rights, now hardly known to exist, but which will, I trust, be exercised in future to your honour and the public advantage. In regard to the individuals who may in future compose the members of the Corporation, I

have not a wish, for I am confident that loyalty, integrity, and ability, will ever be considered as the essential claims to your favour: but though I am sensible that no dependent man deserves to be considered as a fit person to discharge a public trust, I confess I have always thought that to be a very narrow and illiberal policy, which would endeavour to exclude every one, however eminent for moral character and ability, merely because he was engaged in trade.

Gentlemen, I have now discharged my duty and the dictates of my conscience, by stating the situation in which I stand relative to you and the Corporation. I am sensible that the assistance which I can offer to you is very limited, but such as it is, I shall freely exert it; and I trust that you will do me the justice to believe, that in the prosecution of this business I have at least proved that I am incapable of remaining an indifferent spectator, when I think I can in any degree be the means of preventing the continuance of those evils, of which you have already had too long so much just reason to complain.

I am, Gentlemen, your obedient humble Servant,  
WARWICK,

Recorder of the Borough of Warwick.

WARWICK-CASTLE, *Sept.* 24, 1799.

About this time Lord Warwick entertained the serious determination of thoroughly reforming the Corporation; and with this view had a complete transcript made of all the charters, and translations by Mr. Vandersee an experienced antiquarian lawyer. But his lordship's sinister objects of governing and using the Corporation, I have been informed, prevailed over his desire of reforming it; and nothing was effected beyond the effect of threats. In three years afterwards we find his lordship again



actively engaged in correspondence with the Corporation, but his own object transpires through the design of influencing the corporate body to perform their duty. The subject of the second letter was the intended choice of Mr. Weston, instead of a nominee of his lordship's. The following is a copy of this singular epistolary and municipal document: it was sent by Lord Warwick to Mr. Edwards the Mayor, on the morning of its date, being the day on which Mr. Weston was elected an alderman of the borough, to the great annoyance of his lordship, who had anxiously sought the substitution of Mr. Ford Naish in his stead.

Sir,

W. C. Feby 20. 1802.

When I consider the very serious Consequences which must inevitably follow the measures which may this Day be adopted by the Corpor<sup>tn</sup>, I think it necessary to write to you, trusting to your Character that you will give my Letter a candid Consideration.

You cannot I am sure believe that it is the Interest of the Corporation of the Town of Warwick that the Corporation its Recorder & the Head of my Family should be at variance: and the seeds of constant altercation and Enmity should be suffer'd to exist, you will recollect the Conditions on which my Brother Mr. Greville resigned his Gown, which he surely would not have done had he conceiv'd that it would have been the Intention of the Corporation to elect a person a Member of its Body whose Enmity to me has been publicly declar'd and who may therefore be reasonably consider'd as hostile to every object which I may have in view for the purpose of reinstating the Corporation in the good opinion of the Borough as the faithfull Guardians of its

public Interests. There are certainly many valid Objections to Mr. Weston's Election, particularly as being one of the Partners in a Bank with a Person who is the Treasurer of very large Sums of the Publick Money.

But to prove that I have no other Wish than to prevent if possible an Appeal to the Court of King's Bench to which if the Conduct of the Corporation is not speedily greatly altered I must resort—

I will if the Corporation thinks fit *now* to elect Mr. Ford Naish not oppose by any Interest which I may have the Election of Mr. Weston on a future Vacancy. After having made this perfectly candid Offer, I shall consider the rejection of it as a mark of that disregard to me personally which my public Conduct does not justify, and as a declared Intention of the Corporation to persist in that line of Conduct which I owe to the public to oppose by every measure in my power and I doubt not but that I shall ultimately succeed in rendering the Corporation no longer the seat of scandalous Chicane, concealment, and neglect of that public Duty which the members of the Corporation are bound to discharge as Guardians and protectors of the Interests and rights of the Borough of Warwick.

The Mayor }	I am Sir Your humble Ser <sup>t</sup> .
of Warwick. }	W.

P.S. Thinking it right that my Sentiments may be known I beg leave to desire that this Letter may be communicated to the Corporation previous to the Election of an Alderman.

The disgraceful intriguing between the noble Earl and the Corporation is too palpable to need any comment: his lordship, in the first part of his letter, states objections in principle to the election of Mr. Weston, and then offers, if the Corporation



will first elect Mr. Naish, not to oppose Mr. Weston's election on a future vacancy ! Lord Warwick lived to experience the common fate of those who make and use *tools*, *viz.* to see them turn against himself when it better suited their purposes.

Various subsequent reports, orders, and decrees, not necessary to particularize, have from time to time augmented the stipends of the corporate officers, clergy, and schoolmasters, as the charity funds progressively increased. It will, however, be only necessary to detail the *last* ORDER, made by the Master of the Rolls, on the application of the Stipendiaries under the trusts of the Corporation for an increase of their salaries, the application of the surplus, &c.<sup>1</sup> The respective stipends are now increased as follows :

<i>Stipendiaries.</i>	<i>Late Stipend.</i>				<i>Increase.</i>			<i>Total Stipend.</i>		
Vicar of St. Mary	-	135	0	0	-	115	0	0	-	250 0 0
Assistant	-	60	0	6	-	45	0	0	-	105 0 0
Vicar of St. Nicholas		100	0	0	-	100	0	0	-	200 0 0
Vicar of Budbrooke		56	18	0	-	43	2	0	-	100 0 0
Master of School	-	75	0	0	-	60	0	0	-	135 0 0
Clerk of St. Mary	-	11	16	8	-	8	3	4	-	20 0 0
Sexton of ditto	-	6	10	0	-	4	0	0	-	10 10 0
Mayor of Warwick		100	0	0	-	50	0	0	-	150 0 0
Town Clerk	-	15	0	0	-	10	0	0	-	25 0 0
Serjeant at Mace	-	15	0	0	-	5	0	0	-	20 0 0
Yeoman Serjeant	-	10	0	0	-	5	0	0	-	15 0 0
Beadle	-	5	0	0	-	5	0	0	-	10 0 0

---

(2) £ 1,040 10 0

---

(1) 58 George III. dated 22d January, 1818.

(2) In this order the schoolmaster's assistant or usher, being non-existent, is not named or the stipend increased.

No liberal or educated person can object to the proper remuneration of the clergy and the instructors of youth, or indeed can deny that in general, and compared with other professions, they are underpaid for their important and indispensable services in society. The present stipends from the Corporation of Warwick, so far from being excessive, are in fact too scanty, and ought to be further increased as the public funds grow in value, that is to say, if the several parties really perform their respective duties, and show the same lively and zealous interest in those *duties* which they never fail to display in seeking an increase of *stipends*.

This curious history of the Corporation and public trusts of the Borough of Warwick will have convinced every reader of the frailty of corporate officers, and of the necessity of jealously watching and defending the administration of chartered powers. The corruption and malversation here proved to have existed from the earliest period of the incorporation of the Borough, and which alike exist in *all* corporations where historical light can penetrate through the darkness of their transactions, is convincing evidence of the value of the precise regulations in the old charters for periodical elections and open accounts, as also of the necessity of legally controlling, punishing, and remedying, violations of corporate trusts.

I proceed now to the most important, difficult, and *tender* part of my letter, *viz.*, the PRESENT STATE of the CORPORATION of WARWICK. I shall



however as fearlessly and plainly examine into its present as its past condition ; and though such *corrupt* misconduct may not be detected, I shall expose abuse and malversation of *public* trust, equally injurious to the Burgesses and in open violation of their chartered rights.

I shall investigate the state of the Corporation by the simple and indisputable evidence of the observance or non-observance of the GOVERNING CHARTER, and the law of corporations. By this *test* the members of the corporate body must be tried ; it is a jurisdiction to which they must plead, and where if wrongfully accused they must also appeal for acquittal.

I shall premise that *ignorance* can form no justification of the abuse of chartered authority. If a man is competent and eligible to fill a public office it is his bounden duty to inform himself zealously and thoroughly of the nature, extent, and limitation of his duties ; if he does not so inform himself he has no business to undertake the office. Nor can abuse be ever legalized or sanctioned by long continuance and *custom*. It is absurd to say that Burgesses are not permitted to exercise a chartered privilege because they never show an inclination to enjoy it : the long discontinuance of a right naturally begets an indifference to its value ; and instead of that apathy being an argument against reviving the public interest it is precisely the contrary, a reason why they should be awakened to a sense of their rights. But I cannot impute ignorance in the present instance because

the Corporation so abounded and abounds with lawyers and magistrates, that they must have had a knowledge of their chartered duty. It would have been far more creditable, not to say more politic, had the present members of the Corporation manfully come forward to the Burgesses and said "we are aware that you have long been deprived of many of your municipal rights, the Corporation have long misconducted your public trusts, and we will remedy all your just subjects of complaint."

This honest and handsome conduct would have conciliated all, and would have insured for the Corporation the grateful confidence of the Burgesses. But the last choice of Aldermen was the public derision and contempt of the whole town. And what little knowledge of and community with the Burgesses did that choice exhibit!

I now proceed to examine the prescription of the Governing Charter, and how its provisions are respected in the present administration of the Corporation.

#### THE MAYOR.

*First.* The Charter directs the annual periodical change of the *Mayor*, by the majority of Aldermen assigning every Michaelmas-day two of their body who have not served the office of mayor within three previous years, for the election by the Burgesses of a new officer. Has this direction of the Charter been observed? It has *not*. The late Mr. Wade and Mr. John Bohun Smyth were mayors for several successive years



by the illegal connivance and permission of some of the aldermen now living ; and the late holding over by Mr. Wilmshurst, the Ex-Mayor, displaced by the recent *Mandamus* in his *third* successive mayoralty, is fresh in the recollection of the Burgesses. I shall not allude to the circumstances attendant on Mr. Wilmshurst's last entry on the office, as they were the subject of legal proceedings ; but the *facts* above stated are indisputable violations of the Charter, insulting and injurious to the Burgesses. The discontinuance, also, of the customary public dinner to the principal Burgesses is highly discreditable, from whatever motive it proceeds. Certain funds are allowed the Mayor from the public purse, for an annual entertainment : the decrees cited in these pages especially order and allow this stipend for the purposes of *hospitality*. Such periodical feasts bring the chief magistrates of towns in very useful communication with the burgesses : they are fit occasions for the display of public opinion, when all party spirit has a truce, and at which there should be no distinction of party or opinion. But at all events, if any periodical and useful customs are discontinued, the funds decreed for their expenses should not be drawn from the public purse.

#### THE ALDERMEN.

*Second.* The Charter ordains that vacancies in the body of *Aldermen* occasioned by death, retirement, non-residence, misconduct, or removal for any just cause, should be filled up by the

Corporation within *eight days*, from among the most honest and discrete *resident* Burgesses of the town, who shall have resided at least *three* years in the Borough ; unquestionably meaning, from among those persons whose long connection with the Burgesses,—whose intimate knowledge of their interests,—whose age and experience, best qualify them to administer the public trusts. Now, has *this* Charter direction been observed ? It has been disregarded and violated in every possible way. The body of Aldermen some years since was allowed to continue so vacant that one more death, reducing it within the minority of six, would have forfeited the Charter ! For many years past persons not only ill qualified but notoriously ineligible have been elected by the Corporation, qualified, and acted as aldermen. Mr. Kelynge Greenway was elected when *Treasurer* or Receiver of the Corporation, and held the two inconsistent offices for a considerable time. His brother, Mr. George Cattell Greenway, is the present Treasurer. Mr. Weston, a partner in the bank of Messrs. Whitehead and Greenway, is continued an alderman years after he has constantly resided at Stratford-on-Avon, eight miles from the Borough ! The Reverend Thomas Cattell, a cousin of Mr. Greenway, a *clergyman* whose legal and frequent residence is or ought to be at his living of Berkswell, was elected, qualified, and continues an alderman. Sir Charles Greville, K.C.B. a general in the army, a brother of the Recorder Lord Warwick, the member also for the Borough, who *ne-*



*ver* resides and seldom enters the Borough, was elected an alderman and qualified, and still holds his office !<sup>1</sup> A few months since Mr. Farr, another relation of Mr. Greenway, who had only resided in the borough *two* years,—who lives, though in the borough, out of the town,—and whose ill health and lamented paralysis renders him totally incapable of and unfit for public duties, and who is, moreover, an entire *stranger* to the Burgesses and their interests, was elected an alderman. Whether he has qualified I know not ; if he has not, I hope he will have the decency and prudence to decline the office thus illegally conferred upon him. The Town Clerk, Mr. Tibbitts *senior*, was elected an alderman at the same time ; and it is currently reported that the *pulse* of the Corporation was felt as to the nomination of *Mr. Edward Greaves* (another partner in the same bank), who was also ineligible from defect of residence, and whose youth was surely a complete disqualification for such an office till future years shall have placed his claims on a par with those of older burgesses. Age and experience, and the tempering of opinions by the addition of years, must be allowed to form *discretion* (the Charter requisite), without any reflection on that gentleman. It is surely a singular coincidence, that *all* the probity and fitness for the office of alderman should cen-

---

(1) When Sir Charles Greville was nominated, his name was directed by one of the aldermen since deceased to be interlineated or antedated in the levy book, which was accordingly done, but I am sure without his knowledge or concurrence.

ter in one family and connection ! It is surely not fitting that the purse and the purse-strings of the public trusts should be held in the same hands. The object of FAMILY INFLUENCE in all these arrangements is too palpable not to be apparent to the whole town. It is perceived and condemned by the majority of the Burgesses, though it is possible that the fact may not be known to the Corporation. Those who are asking favours and craving the benefit of the trusts are not likely to tell unpalatable truths to their benefactors. It is a vulgar error to suppose that *money* is the only influence which operates on men's minds to obtain the control of public trusts: money's-worth, in the article *power*, is a much more coveted possession ; the former will never influence men of the acknowledged and unimpeached private integrity of Mr. Greenway, when the latter will have its silent effect.

I shall here offer a few remarks on the subject of the class of burgesses best qualified for the office of aldermen. I do not say that the aldermen should *exclusively* be selected from the tradesmen and commercial ranks ; but surely a *few* tradesmen and old burgesses among the *lawyers* and *gentry* would not disgrace or revolutionize the Corporation. As the late Recorder Lord Warwick observes in his letter, it is " a very narrow and illiberal policy which would endeavour to exclude every one, however eminent for moral character and ability, merely because he was engaged in trade." It is observable, also, that all the old char-



ters of the Borough nominate the majority of the aldermen from among the tradesmen of the town, and *that* at a time when it is well known the Borough was the town residence of many more gentry than at present. It will hardly be contended that the moral or intellectual character of the middle classes has receded of late years ; it is rather in advance compared with that of their “betters.” The trading inhabitants of the town are more likely to be informed and interested in the wants of their fellow townsmen, and acquainted with the most deserving objects of assistance and charity ; they are least likely in a body to prostitute the powers and trusts of the corporation to *political* purposes : but surely *clergymen* are of all classes the most improper intruders. The clergy when they meddle with secular affairs violate a solemn vow made at their ordination, to give themselves “wholly to their vocation ;” and the Gentile Apostle wisely counsels the deacons of the Corinthian Church—“if then ye have judgments pertaining to this life, set them to judge who are least esteemed in the church.” The old law of the land, by exempting the ministers of religion from the burthen of civil duties, doubtless considers them unable consistently to assume them. I believe very little difference of opinion prevails on this head among the laity.—Nor can I conceive that *military* men liable to be called out on duty are proper persons for such offices : their election must have some *object* different from the simple interest of the Borough ; but, unquestionably, native residents with

Large property and connections in the Borough are more eligible persons for the civil trusts. The election of Sir Charles Greville, the brother of the Recorder; of Colonel Steward, who was in the Recorder's militia, second in command; of Mr. Wilmshurst, the surgeon of the same militia, are singular coincidences, and reflections naturally occur, that these appointments were not *solely* for the sake of the burgesses. I affirm unreservedly, that these are *not* the elections which should be made, or which are agreeable to the burgesses, whose interests are compromised in such partialities.

#### THE ASSISTANT BURGESSES.

This part of the COMMON COUNCIL of the corporate body is entirely wanting, and a constant violation of the Charter will exist till it is restored and its full number completed. When the Assistant Burgesses are again elected, they will judge for themselves what power they possess.

#### THE TOWN CLERK.

The Charters direct that this officer shall be a MAN *learned in the laws*, the legal interpretation of which is an admitted attorney, or a gentleman called to the Bar. The recent appointment by the Recorder of Mr. Tibbitts *Junior*, a minor, not out of his articles of clerkship, and therefore very inexperienced and unlearned in the law, is another gross violation of the Charter. Under such circumstances the Mayor will be guilty of a breach of duty if he swears him into office. The duties



of the Town Clerk are most important : he is the legal adviser of the Corporation (and that they want a better than they have hitherto had is now pretty evident) ; he issues the process of the local jurisdiction on small debts ; he is the real justice of petty offences,—the interpreter of the bye laws. Is such an office to be made hereditary ?—to be entrusted to *boys* ? Are the personal liberties and judicial interests of the burgesses to be so little considered ; and are all the experienced and respectable professional gentlemen of the Borough to be thus passed over ? Surely the Recorder and Corporation will not thus continue to despise the good opinion of the town.

#### THE BOROUGH MAGISTRATES, OR SENIOR ALDERMEN.

By the Governing Charter the Mayor and the two senior Aldermen are the magistrates or justices of the peace for the Borough. The Corporation are highly reprehensible in allowing the inefficient performance of the greater part of these important duties by Mr. Boswell. Age and past services entitle men to the grateful respect of their fellow townsmen ; and I should greatly regret if, in these necessary remarks, I was guilty of one disrespectful expression towards the character and former services of that worthy alderman. But Mr. Boswell's infirmities render him utterly unfit to discharge his important magisterial functions ; he should be relieved of duties which cannot but be oppressive to himself and ill-performed

by him on behalf of the burgesses. I am informed that he wishes to retire, and I therefore do not enter into many particulars which would incontestibly prove the justice of these reluctant remarks.

### THE ESTATES AND ACCOUNTS.

By the decrees and orders before abstracted the trust estates are to be let by public auction in the Shire Hall. The public funds are thereby greatly increased, and every burgess has his equal chance of tenancy. The accounts are to be annually and publicly audited, not in gross but in detail: copies are to be lodged with the churchwardens a week before the audit, and fair transcripts also, when passed, are to be deposited in the parish chest. I am aware that these orders are partially observed, which I believe few of the burgesses know: indeed, little more is known at Warwick of the Corporation than the occasional sight of the mace and paraphernalia of office. I contend that the burgesses at large should be informed of every item of the corporate receipts and disbursements: a general abstract, at least, ought to be annually *published* for the information of the town. If the Corporation faithfully administer the *public* trusts, the public ought to know it, and give them credit for it: “let your light so shine before men that they may SEE your good deeds;” the authority of which the *reverend* alderman well knows and should enforce on the Corporation.<sup>1</sup>

---

(1) The *public* accounts are published in many corporate towns. In the City of London the Common Council annually



The Corporation of Warwick are now the trustees of public funds to the amount of FIVE THOUSAND POUNDS *per annum*, or thereabouts : the yearly stipends they have to pay only amount to £1040; and these funds, adequate to every want of the Borough, are likely to increase progressively to a much larger income ! In the last year the Corporation received from the rental of Henry VIIIth's estates alone the sum of £2,756, 15s. 9d.; for the last year's arrears £1,311, 0s. 5d.; for building materials of Mr. Wise, on Worrall's land, £201, 3s.; and for timber £9, 9s. 10d.: total on this estate only, a receipt of *four thousand two hundred and seventy-eight pounds, nine shillings*. They charge themselves with the disbursement of £5,429, 13s. 2¼d.: the burgesses would be favoured by the publication of the items. Considerably above *one thousand pounds*, I believe, was expended over the new burial-ground and chapel in Friar's Lane !

The valuation of Oaken's Charity estate by Mr. William Whately in 1821, amounted to the annual rental of £779, 1s.

The annual proceeds of Sir Thomas White's Charity—the accumulations of which must be very great,—and the mode of investment and interest

---

order their accounts to be printed and distributed, which is regularly done, entitled—" A Statement of the Produce and Expenditure of the City's Estate, for the year ending 31st Dec. 1826 ; to which is subjoined, the Balance remaining in Mr. Chamberlain's hands, &c. of all the several Accounts kept in the Chamber of London, &c."

of the accumulation, are unknown to me. I have reason to believe that this valuable charity is now more than adequate to the objects of the donor, and that its benefits might be materially extended. A complaint exists, however well founded I know not, that applications for the loans of this estate are unanswered for months together, because the Corporation do not periodically or legally assemble: and a much more serious complaint prevails, *viz.* that legal proceedings, unauthorised by the *Corporation*, have been commenced against some parties from *political* feelings. I can scarcely believe that these assertions are well founded; if they are, I feel confident that this public notice of them will at once stop so illiberal a neglect of public rights and so unjust an exercise of public power.

By the following letter from the Town Clerk of Nottingham to the Mayor of Warwick it appears that the Coventry Corporation did not honestly administer Sir Thomas White's funds; and the item of *interest* in all the corporations enjoying this trust is still said to be not properly credited.

SIR,

In September last a deputation was sent from this Corporation to Coventry, to receive the proportion of the rents of Sir Thomas White's estate, which, according to rotation, then became payable to the Corporation of Nottingham. It has, in consequence, unavoidably happened, that the accounts of the Corporation of Coventry, as the receivers and trustees of this charity, have been the subject of investigation by the Mayor and Common Council of this town. In the course of such



examination it appeared to them, that the produce of the rents of this estate remains in the hands of the Corporation of Coventry, or their receiver, for one whole year previous to the balance being paid over, without any interest being allowed for the same, which the members of this Corporation think is improper. There does appear to this Corporation to be a good and valid reason for the retention of the money for the year beyond the time at which it is originally received, but none at all why the receiver should not make himself responsible for the amount of interest which he may derive upon the balance remaining in his hands until it is again paid over. The money is retained a year, because by this means the receiver has always in hand a sum of money more than competent to meet every possible disbursement which may fall upon the estate, according to an arrangement of the accounts by which each separate Corporation is charged with its fifth part or share of each particular head of annual expenditure, so that although the receiver is bound to pay each head of disbursement when it is incurred, he cannot be reimbursed that distinct head by a repayment specifically on that account until five years after it is first paid, but he is virtually repaid every disbursement when the next year's rent is in hand. In any other way of arranging these accounts, the receipts of each particular year would be subject to the disbursements of that particular year, and thus the clear produce for each particular year would be uncertain and fluctuating, and subject to be depressed or raised at the pleasure of the Corporation of Coventry, who might thus themselves derive, or enable other favourite Corporations to derive, more than their due proportion of the profits. The Corporation of Nottingham however, submit, that after the expiration of the year when the receiver is again in the receipt of another year's rent of the estate, he ought to be

made accountable (being paid £50 a year for receiving these rents) for the interest upon the rents received, after deducting therefrom the amount of the disbursements chargeable to the Corporation entitled to the preceding year's clear produce of this estate.

This letter is addressed to you, Sir, by desire of the Corporation of Nottingham, who through me request that you will take an early opportunity of laying it before the members of the Corporation of Warwick; and if you should concur with them in opinion, that the complaint of this Corporation is well founded, they will be glad to adopt some means of concerting the best manner of acting in concert with the other Corporations interested herein in endeavouring to get the error rectified. I have been directed to write in similar terms to the Mayors of Northampton and Leicester, and when I have the pleasure of hearing from you and them, I have no doubt I shall be directed to address you again on this subject.

I have the honour to be, SIR,

Your's very respectfully,

GEORGE COLDHAM,  
Town Clerk.

NOTTINGHAM,  
28th December, 1814.

### THE FREE GRAMMAR SCHOOL.

The value of public education is now too well acknowledged and estimated to require any remarks on the importance to the Borough of a Free Public School, where the children of the burghesses may be instructed without expense, and in the best possible manner. The late invaluable labours of Mr. Brougham, and the investigations and reports of the Parliamentary Commission of



inquiry into the state of the public schools of the kingdom are universally known, and have revived numerous important rights of the public.

The present inefficient condition of the King's School of Warwick is deeply to be regretted and condemned. The responsibility of its present decayed and almost annihilated state rests on the *Corporation*, because that public body, as the conservators of the public rights, ought not only to have maintained but to have improved its utility. The office of schoolmaster is at present very little removed from a *sinecure*. That provision which ought to educate ALL the children of the town, scarcely educates any. In 1818, when Mr. Nicholas Carlisle published his valuable history of the endowed Grammar Schools of England and Wales, he stated, that "at present there are but *one* or *two* boys in the school!"—his own italics and note of admiration. Mr. Carlisle's work was composed from materials obtained through the liberal and courteous communications of the trustees and masters of the several endowed schools throughout the kingdom: but of the College School of Warwick he could learn nothing beyond its decayed state; and he concludes a meagre account of it by recording, that "*no answer has been received to the repeated applications of the author.*" At the present time, I am informed, the school does not contain more than *five* scholars!—In stating these facts, I beg leave not to be considered as making any reflection on the Reverend Mr. Innes, the head master: I only regret that the Borough should not derive

greater advantages from his acknowledged accomplishments and capabilities of instruction. It is said that the course of instruction prescribed by the STATUTES includes only *the learned languages*: of the truth of this report I cannot judge, as I never saw the statutes here alluded to, or knew of any burgess being fortunate enough to obtain a sight of them. But if such *bye-laws* of regulation really exist, they were of course supplemental to the original Charter of Henry VIII., cited in page 15 of this letter, and were, doubtless, *intended* to extend the utility of the school. Seeing, however, that the present restrictive effect of these said *statutes* has been to ruin the school, it is certainly the bounden duty of the Corporation, as the trustees and visitors, to revise the statutes, and to extend the course of instruction to *commercial* and popular education, as that most adapted to the general rank of the burgesses. If they have not themselves the power of thus re-modelling the school, they can obtain it of the legislature or Chancery; and by neglecting longer to extend the system of instruction, they are committing a breach of trust. To the stipends of the head master and usher a further increase might be advantageously and liberally made, *provided* a more general mode of education were established. The premises and funds are ample for *both* a *classical* and a *commercial* school, optional to the inhabitants, as they may judge best to place their children: or the masters might be allowed, as in the Scotch colleges, to take a moderate gratuity from each scho-



lar for any *extra* instruction—an incentive generally agreeable to the masters and advantageous to the scholars. There are two EXHIBITIONS, of the present annual value of £70 each, for young men natives of the Borough and educated at this school, towards defraying the expense of their education at Oxford for *seven* years; and also two other exhibitions at Trinity College, Cambridge, for scholars from Cranbrook or Warwick schools. These constitute invaluable rights: native pre-eminent talent, in humble circumstances, may by them obtain the advantages of university education, and they should produce scholars and men of genius equal to those who have been the glory of almost all the other public schools of the kingdom. If *merit* was made the sole ground of eligibility to these exhibitions, a principle of emulation would be created that could not fail to form a flourishing school. Merit often has *not* elevated boys to this preferment, whilst Corporation and individual interest *has*, in many instances, so elevated them, to the gross injustice of the claims of native burgesses. I do not cite instances, because I began these pages with a resolution of avoiding all unnecessary retrospective personal reflections. But the fact is sufficiently notorious: I have thus broadly stated it: I am ready with examples. The nuisance ought to be abated. The Corporation possess the power of rectifying such palpable abuses, and they ought to exercise it. Every *encouragement* ought to be held out and afforded for the burgesses to place their sons at this school:

its system of instruction ought immediately to be reconsidered, revised, and extended; an assistant usher should be appointed, and an institution which at present is but a dead letter, would then be made useful and beneficial to the town. Such an extension of the object of the royal founder may be exemplified in the Acts of Parliament obtained for the Shrewsbury Free School, the London Public Schools, and is indeed at this moment in progress in the County of Warwick, under the laudable application of the governors of the Birmingham Free School, to extend the benefits of their increasing funds. The present improved regulations and advantages, also, of Lord Leicester's Hospital in this borough—an eleemosynary foundation most excellently conducted—is a local example.<sup>1</sup> I cannot dismiss this subject without again disclaiming all intention of making any personal reflection on Mr. Innes, who, I am sure, would gladly forward any plan of improvement, and who cannot be so well satisfied in receiving a sinecure stipend from the trust funds of the town, as he would be in becoming the promoter and instrument of a real system of public education suited to the habits, station, and circumstances of the great body of the burgesses. I consider the present state of this school as the greatest reflection

---

(1) I avail myself of this opportunity of a sincere tribute of praise to the laudable exertions and conduct of the Master, the Reverend Mr. Kendal, my early instructor, who is always forward to communicate any needed information to the antiquarian inquirer on this ancient and interesting foundation.



on the Corporation ; and if they do not immediately adopt measures for its revival and utility I trust the burgesses will take the matter into their own hands,—for this there are ways and means.<sup>1</sup>

I have now concluded a task which I may unaffectedly say has been laborious and painful. I can have had no personal or sinister interest in the publication of these pages, and perhaps they may be received more graciously and less suspiciously from one who does not live in the town. Opposition to *power* is seldom popular, and never gainful. He who boldly undertakes it must expect misrepresentation and opprobrious epithets : I shall therefore neither be annoyed by the one nor surprised by the other. It is possible that in the zealous and determined spirit of inquiry and exposure, I may have viewed too partially the misgovernment of the Corporation, and not allowed the fair meed of praise for their public services.

---

(1) I have been informed, that some few years since the Corporation paid Mr. Boudier the salary of usher of this school, he, Mr. Boudier, merely receiving it as a bonus for his insufficient stipend as church lecturer. I am the advocate of a liberal and further increase of the stipends, proportionate to the rank which the clergy and conductors of public education should hold and be enabled to maintain. But services and salaries might go together, and not apart.—It is to be regretted that the officiating curates are so often changed, and that both the Vicars of the two parish churches should not constantly reside ; in the instance of Dr. WADE especially, whose liberal opinions and literary attainments are highly appreciated by the inhabitants, and would be additionally useful.

But I confess I cannot discover the claims of the Corporation to any particular gratitude from the burgesses. I have proved the illegal and injurious violation of the chartered rights and franchises of the burgesses in the contempt of almost every provision of the Governing Charter. I have fairly cited the records and documents which evidence such misrule, and in no one instance have knowingly misconstrued, suppressed, or exaggerated. I have treated the CORPORATION in their *public* character, and never, when I could avoid it, as individuals. On the *private* character of no member of that body have I intentionally reflected; indeed I am willing to bear my testimony to their individual respectability and integrity.—But their public conduct has subjected them to the remarks of these pages; and if they sincerely intend uprightly to discharge their public trusts, let them show their resolves by their deeds. There are two sorts of general language in the world, the language of our *words* and the language of our *actions*, our words speak and our deeds also; and wise men take care to let their actions speak, as well as their tongues.

I regret to observe the personal calumny which has been recently introduced into the town. I cannot bring myself to believe that it is grateful to those in whose behalf it is impertinently used. It is not likely to answer its venal purpose, and is far too contemptible to meet with the slightest notice from the well known and respectable inhabitants who are the objects of its vulgar abuse



and falsehood. It cannot be defended on the score of retaliation, for I honestly believe that the legal proceedings past, and those intended, are conducted on *public* grounds, and with the sole determination of reforming the Corporation and obliging them for the future to respect the Charter, to which, for their very existence, they are obliged.

It is due to MR. WILLIAM COLLINS particularly to record in these pages the independent determination and assistance he has individually contributed towards reviving the rights of the burgesses, an acknowledgement I am the more induced to make from the consequent proportionate share he has had of personal abuse. The good fame of his public spirited and disinterested endeavours will exist after his calumniators are forgotten. I know that it was his firm determination (long before the false motives attributed to him could have existed) to do his utmost towards restoring the chartered rights, and I am confident he will never be deterred by temporary misrepresentation from accomplishing their complete restoration.

As these pages treat of the rights and franchises of the Borough of Warwick, I cannot, in closing them, but point out, as a bright example to the *independent electors* of every populous city and borough in the kingdom, the recent return to Parliament by the burgesses of JOHN TOMES, Esq. one of the present members for the town, FREE OF EXPENSE; a representative who from his local residence is connected and acquainted with the interests of the

Borough, and who, as he has not *bought, will not sell it*. This is a constitutional exercise of the elective franchise as honourable as it is rare and worthy of imitation. And I trust that the independent electors of Warwick will ever oppose any future political influence of the Corporation, and will at least be represented by *one* of themselves or their immediate neighbours, the representative of honest enlightened and constitutional political principles.<sup>1</sup>

If any justification of this research into the origin and conduct of the trusts of the Corporation is required, I may appeal to several recent publications of acknowledged reputation and utility for an example of similar inquiry and exposure. I need scarcely allude to Mr. Merewether's report of the case of the borough of West Looe, which, it is hoped, is but the precursor of a more full history of boroughs and a treatise on the law of corporations. The charters and other documents relating to the king's town and parish of Maidstone in the county of Kent, have been published and edited by Mr. James with many valuable notes and annotations ;

---

(1) For the determination of the right of election for Burgesses at Warwick, see Journals of the House of Commons, Jovis, 31 die Januarii, anno 9° Georgii Regis 1722.

Ultimo Mayij 4° Car. I. 1638. "Resolved, that the right of election for the town of Warwick belongeth to the *commonalty*."

The copy of the following returns were produced, all which are thus—" *Burgenses et Inhabitantes Burgi elegerunt.*" 16th Jan. 1700 : 22nd July, 1702 : 5th May, 1708 : 4th October, 1710.



as also a collection by Mr. Griffith, of the ancient records of the borough of Huntingdon. I have before noticed the pamphlet by Mr. Cruden, to whom I have been occasionally indebted in these pages, though, perhaps, he has been rather partial to Corporations. Marlborough, Devizes, and many other corporations, some not a hundred miles from Warwick,<sup>1</sup> are likely to be submitted to legal reform; indeed, there prevails throughout the country a determination to expose and to rectify the abuses prevalent in these oligarchic bodies, the evils and local tyrannies of which can only be practically known to those who have seen them in action.

It would be very desirable and advantageous if some few of the liberal and opulent inhabitants of the towns governed by close corporations, and possessing large public trust funds, would unite to obtain transcripts and translations of the local charters and public records; the discoveries would amply repay them, and in most instances undoubtedly point the way to an easy and entire reform of corporate abuses.<sup>2</sup>

---

(1) In a neighbouring corporation the electors on what is called "the Corporation interest" very recently received a *gratuity* of £4 per man! One of the opposition voters, conceiving that he could do no harm in sharing the plunder, applied for his *douceur*. A member of the Corporation sitting at the receipt of custom objected to him as an opponent; "Yes," said the man, "but I *may* another time vote your way." The reply was, "*as you put nothing into the well you can draw nothing out!*"

(2) In the Appendix, No. V. see a note of the fees of search and transcript in the Rolls Chapel, Chancery Lane, London.

I trust that Mr. Peel and Mr. Brougham, to whom the country now look up for judicial improvements, will undertake this important investigation. The governing charters and records of every borough and city ought to be universally known, and published in an authorized and legal form ;—the anomalies, inconsistencies, and unsettled state of the law of corporations ought to be investigated and remedied<sup>1</sup> ;—the many benefits of corporations and local jurisdictions retained and extended, and the many abuses abolished. The advantage to the country would be incalculable, for the generality of close boroughs are the sinks of corruption and party spirit.<sup>2</sup>

---

(1) No general legislative measure has been attempted since the year 1748. Smollett thus drily records it—"By the report of the secret committee it appeared, that the then minister had commenced prosecutions against the mayors of boroughs who opposed his influence in the elections of members of parliament. These prosecutions were founded on ambiguities in charters, or trivial informalities in the choice of magistrates. An appeal on such a process was brought into the House of Lords ; and this evil falling under consideration, a bill was prepared for securing the independency of corporations ; *but as it tended to diminish the influence of the ministry, they argued against it with their usual eagerness and success, and it was rejected on a division.*"—Smollett's History, vol. iii.

(2) The Reverend Robert Barnard of Lighthorne in the county of *Warwick*, the incumbent of considerable church preferment, (whose wife and son are presumptive inheritors of the barony and property of Willoughby de Broke) and who has been for many years an active magistrate of Warwickshire, has thought fit, in addition to all his secular employments, to become an Alderman of the Borough of Banbury in *Oxfordshire*, a borough with which he is totally unconnected save and except



At some future period it is my intention to publish a more particular and full account of the various public and private charities of Warwick, towards which I have already made a considerable collection of original documents, accompanied also with much historical information, illustrative of the

---

as hereinafter appears. I mean no personal disrespect towards that Reverend Magistrate when I ask what possible object or motive consistent with his holy calling he can have in becoming a member of that corporate body? For the information of my readers I shall throw some light on the worldly motives. The Corporation of Banbury consists of fewer than twenty members: they return one representative to Parliament. The borough is well known to be *patronaged* by the Earl of Guildford, the near relative of the Honourable Mrs. Barnard. A relative of the Guildford family is usually returned for the borough, as in the instance of the present member the Hon. Mr. Legge. The Reverend Mr. Barnard therefore, to strengthen the family compact, is made an Alderman! In the last Parliament a Bishop in the House of Lords strongly reprobated the holding of corporate offices by the Clergy, and stated his invariable discouragement of it in his diocese. Had those remarks come from the late pious and venerable Dr. North Bishop of Winchester, the patron of Mr. Barnard, possibly that gentleman might not have accepted his preferment in the Corporation of Banbury.—Those who recollect, and many there are who do, the remarkable schism some years since in the said Corporation of Banbury headed by the *Reverend* Dr. Lamb against the interest of his noble patron Lord Guildford, and which terminated in seating a Warwickshire country gentleman in opposition to the noble Earl's nominee, well know the present reason of stuffing this Corporation with family connections. And it is somewhat amusing that this same Dr. Lamb, who has since through a new light seen the error of his ways and returned to the bosom of his patron, went under noble influence to vote for Mr. Brougham in Westmoreland!—If the parishioners of Berkes-

antiquity and former state of the town.<sup>1</sup> These appear to me most useful and interesting investigations; and they are subjects on which little is known or communicated by antiquarian and topographical writers. Should leisure and health be allowed me, I shall probably extend this collection and publication to the records of all the corporations and public trusts of the county.

My *right* to institute the free and unceremonious inquiries of these pages, may be questioned by some who have no idea of public principle, and who conceive that a man not seeking his own individual interest can never be well employed. To them I shall only reply that, as an inhabitant of the county, I am locally interested in the investigation;—that I am a native of the borough, and have been a resident burgess. Moreover, as the professional agent of the past and intended legal proceedings for recovery of lost or abused fran-

---

well and Lighthorne, in the simplicity of their natures, should address their Reverend patrons by their *civil* honours as Mr. *Alderman* Cattell and Mr. *Alderman* Barnard, how ridiculous they would feel? And, when chief officers of their respective Corporations, the title of *Worship* would be somewhat anti-christian and idolatrous.

The Corporation of Banbury is about to be looked into, the petition of Lord Nugent is preparatory.

(1) A curious manuscript volume belongs to the Warwick Corporation, a record of many remarkable local matters, called the *Black Book*. See Appendix No. IV. where I have given the Index of Contents. No. VII. in the Appendix contains a List of MS. Authorities relating to Warwick in the Harleian Collection.



chises, my responsibility in so public a cause is not slight; and these pages are due equally to myself, and to the respectable burgesses whom I represent. On this and on every future occasion I will fearlessly use any humble talent or acquirement I may possess for the public benefit, without respect of persons, and caring nothing for the "worldly consequences" I may entail upon myself.

That these pages may prove an earnest of such endeavours and resolutions, and may aid the Burgesses of Warwick in the recovery and maintenance of their privileges, is the ardent hope and desire of their faithful Servant,

JOSEPH PARKES.

*February, 1827.*

## APPENDIX.

---

### No. I.—P. 7.

#### *Doomsday relating to Warwick.*

IN the Borough of WARWICK the King has in his demesne 113 houses, and the King's Barons have 112, from the whole of which the King has his tax.\*

The Bishop of Worcester has 9 messuages : the Bishop of Chester 7 : the Abbat of Coventry 36, and 4 are destroyed for the enlargement of the Castle : the Bishop of Constance has 1 house : the Earl of Mellent 12 messuages : Earl Aubrey had 4, which belonged to the land he held : Hugh de Grentemaisnil 4, and the Monks of Pilardintone hold one of him : Henry de Fereres has 2, Harold 2, Robert de Stadford 6, Roger de Ivri 2, Richard Venator 1, Ralph de Limesi 9, the Abbat of Malmesberie 1, William Bonvaslet 1, William Fitz Corbucion 2, Geoffrey de Magneville 1, Geoffrey de Wirce 1, Gilbert de Gant 2, Gilbert Budi 1, Nicholas Balistarius 1, Stephen Stirman 1, Turchie 4, Harold 2, Osborn, son of Richard, 1, Christina 1, Luith, a nun, 2.

These messuages belong to lands which these Barons† hold without the Borough, and are there valued.

Besides the above-mentioned messuages, there are in that Borough 19 Burgesses who have 19 messuages,

---

\* *Geldum suum*: his Danegeld, viz. a tribute of two shillings for every hide of land, first imposed by the Saxon Monarchs to defray the oppressive extortions of the Danes, and continued long after those people had ceased their predatory incursions.

† *Barones*: the King's greater tenants.



with sac and soc, and all customs ; and so they had in the time of King Edward.\*

In the time of King Edward, the Sheriffrick of Warwick, with the Borough, and with the Royal Manors, paid £65, and 36 sextars of honey, or £24, 6s. instead of the honey. Now, between the term of the Royal Manors and the Pleas of the County, it pays £145 by weight, and £23 for the custom of dogs, and 20 shillings for a sumpter-horse, and £10 for an hawk, and 100 shillings for Queen-gold. Besides this, it pays 24 sextars of honey, of the larger measure ; and from the Borough 6 sextars of honey, namely, the sextar for 15 pence. Of this the Earl of Mellent has 6 sextars and 5 shillings.

The custom of Warwick was, that when the King went on an expedition by land, ten Burgesses of Warwick went for all the others. He who, being warned, did not go, paid 100 shillings to the King. But if the King went by sea against his enemies, they sent 4 mariners or 4 pounds to him.

## No. II.—P. 8.

### *Leland's Itinerary relating to Warwick.*

I ROADE from Banbury to Warwik 12 miles by champaigne groundes, fruitfull of corne and grasse, barren of wood, and 2 miles by some enclosed and woody groundes.

About halfe a mile ere I entred into Warwik I passed over a stone bridge of one arch, and there runneth a praty brockett towards Avon River.

The Towne of Warwicke hath beene right strongly ditched and walled, havinge the compasse of a good mile within the wall. The dike is most manifestly perceived from the Castle to the West Gate, and there is the great crest of earth that the wall stood on. Part of the walles neere the gates are yet seene.

The East and the West Gate yet remaine. The North

\* About 20 years previous to the Domesday Survey.

Gate is downe. The strength of the Bridge by the Castle stood for the South Gate.

The magnificent and stronge Castle of Warwike being at the west-south-west ende of the towne, hard by the right ripe of Avon, is sett upon an huge rocke of stone, and hath 3 goodly Towres in the east front of it. There is a fayre Towre on the north syde of it, and in this part of the Castle K. Rich. 3. pulled downe a peice of the wall, and beganne and half finished a mighty Towre, or strength, for to shoote out gunnes. This peice as he left it soe it remaineth unfinished. The Dungeon now in ruine standeth in the west-north-west part of the Castle. There is alsoe a Towre west-north-west, and through it is a posterne-gate of iron.

All the principall lodgings of the Castle, with an Hall and Chappell, lye on the south syde of the Castle, and the King doth much cost in makinge foundations in the rockes to susteine that syde of the Castle; for great peices fell out of the rocke that sustained it.

There was since the Conquest a Collegiate Church in Warwike Castle.

The Towne of Warwike standeth on a maine rocky hill, rysinge from east to west.

The beauty and glory of the Towne is in 2 streets, whereof the one is called the High-Street, and goeth from the East Gate to the West, havinge a right goodly Crosse in the middle of it; the other crosseth the middle of it, makinge a quadrivium, and goeth from north to south.

Within the precinct of the towne is but one Paroche Church, dedicated to St. Marye, standing in the midle of the towne. This Church is fayre and large. Rogerus de Bellamont did translate the Colledge in the Castle to this Church, endowinge it with fayre possessions.

Tho. de Bello-Campo, E. of Warwike, grand father to Rich. E. of Warwike, leife-tenant to King Hen. 6. in Fraunce, commanded by testament, (as I heard say) that his executors should reædifie, of the new Chancell or east part of St. Marie's Church; and soe they did; and he is buried there with his wife.



Earle Richard of Warwike, Lieutenant of France, devised a right fayre, large, and sumptuous Chappell on the south syde of the Quire. This stately peice of worke was after made by the executors of his testament, and there he is intombed right princely, and portrayed with an image of copper and guilt, hooped over with staves of copper, an guilt like a . . . . .

Noblemen buried in the body of our Lady Church in Warwike.

John Tunstall, Kt. familiar to one of the late Earles of Warwike.

William Barkeswell, Deane of Warwik, one of the executors of the testament of E. Richard, that sawe the bilding of our Lady Chappell, and the new buildinge of the Colledge House begun by E. Richard finished.

Johannes Rous, Capellanus Cantuariæ de Guy-cliffe, qui super porticum australem librariarum construxit, & libris ornavit. Obiit 14 Jan. 1491. This Rous was well learned in those dayes in *Mathesi*, and was a great historiographer, borne (as it is supposed) of the house of the Rouses of Ragley, by Aulcester.

*In the South Isle.*

. . . . . Power armiger.

There be buried 3 of the Hugfordes, heires of Edmundscote, about halfe a mile above Warwike on Avon. And . . . . . Beaufe, to whom part of Hugfordes lands descended.

*In the Crosse-Isle, betwixt the body of the Church and the Quire.*

Tho. de Bello-Campo, in a goodly tombe of marble. He was father to E. Rich. Lieutenant of France.

Guil. Peto. dnus de Chesterton & ejus uxor.

Alester, Deane of Warwike, lyeth in the same place, at the west end of our Lady, wher E. Rich. first lay buried. This Alester translated the body of E. Rich. into our Lady Chappell.

Mr. Haly, a well learned man that lately dyed.

Haseley, Deane of Warwike, sometime schoole-maister to King Henery the Seaventh.

*In the Quire.*

Tho. de Bello-Campo and his wife. He was grandfa. to E. Richard.

Katherine, eldest daughter to the sayd Earle Thomas, is buried under a flatt marble stone, at the head of her father's tombe.

*In our Lady Chappell.*

Rich. E. of Warwike, with this epitaph, who dyed 30 Apr. 1439. 17 H. 6.

Praye devoutly for the soule (whome God asseile) of one of the most worshipfull knightes in his dayes, of manhood and cunninge, Richard Beauchampe, late Earle of Warwike, Lord Despencer of Abergeveny, and many other great lordshippes, whose body here resteth under this tombe, in a full fayre volt of stone sett in a bare rocke; the which visited with long sicknesse in the Castle of Rohan, therein deceased full Christianlye, 30. Apr. 1439, he being at that tyme Lieutenant of France, and Dutchy of Normandy, by sufficient authoritye of our Soveraine K. Hen. 6. The which body, by great deliberation and worshipfull conduct by sea and by land, was brought to Warwike 4. October in the sayd yeare, and was layed with solemne exequies in a fayre chest made of stone in the west doore of this Chappell, according to his last will and testament, therein to rest 'till this Chappell, by him devised in his life-tyme, were made; all the which Chappell founded on the rocke, and all the members thereof, his executors did fully make, and appareled by the authority of his sayd last will and testament, and thereafter by the sayd authority, they did translate worshipfully the sayd body into the vault abovesayd. Honoured be God therefore.

*Thinges excerpted out of the East Glasse Window of our Lady Chappell.*

Elizabeth, daughter and heire to Tho. L. Berkeley and Lisle, first wife to Rich. Beauchamp E. of Warwicke. The sayd Richard and Elizabeth had 3 daughters; Margarett, married to John E. of Shrewsbury; Eleonor, married to Edmund Beaufort, Earl of Somerset; Elizabeth, married to George Nevile, L. Latimer. Earle



Richard had his second wife, Isabel, Lady Spenser of Glamorgan and Morgannok.

Henery, Duke of Warwicke, sonne and heire to Earle Richard and Isabell, married Cicely Da. to Rich. Nevill, Earle of Salesbury.

Anne, daughter of Rich. Beauchampe, E. of Warwike, and Isabell, was married to Richard Nevill, sonne and heire to Rich. Nevill, second Earle of Salesburye.

There lyeth buried (as some saye), in the west end of our Lady Chappell, one of the Nevills, L. Latimer, slayne at Edgcote-Feild by Banbury (as some suppose;) but there is neither tombe nor scripture scene. This was Sir Hen. Nevill, sonne and heir to Geor. Nevill, Lord Latimer: but he was never lord, for he dyed before his father. This Henery Neville was grandfather to the Lord Latimer now livinge.

The ould Mansion-Place of the Colledge and Deanry of St. Maries in Warwike stood there where now the east-south-east part of the Cemetery is. The New Colledge Lodging, hard without the west end of the Cemetery, was builded by the executors of the testament of Rich. Earle of Warwike. Most of the prebendes houses be at the west end of our Ladie's Church in the street. There bee in the Colledge a deane and 5 prebendaries.

There is over the East Gate a fayre Chappell of St. Peter. There is over the West Gate a goodly Chappell of St. James.

On the north syde of St. James is a pretty Colledge, haveinge a 4 priestes that singe in St. James Chappell, and they belonge to a fraternity of our Lady and St. George. Some thinke that this fraternitye begunne about E. Richard's dayes, and that he was the benefactor to it.

The Burgeses of Warwike be rulers of this.

The suburbe without the East Gate is called Smithe's Streete: (the Jews sometimes dwelled in it.) In this suburbe was a colledge dedicate to St. John, and an hospitall in it.

There is a suburbe in the south-east syde of the towne wherein is a Paroch Church of St. Nicholas, appropriate to St. Mary Colledge in Warwike.

The suburbe lying south beyon the Bridge is called the Bridge Ende.

There is a Chappell of St. John in the Bridge Ende suburbe, that belonged to the Prior of St. John's in London. The landes of this came to the commandery of Balleshall by Warwike.

The suburbe without the West Gate is called the West-Ende. It is a very large street. There was a Colledge of Blacke Freres in the north part of this suburbe. It was a large house, and the Botelers L. Sudley, and the Mountforts, were the founders of it, (as I heard saye); but hitherto I have not read of any notable act in foundation made since the Conquest in Warwike, but by the Earles of Warwike.

There is a suburbe in the north syde of Warwike, and therein is the Chappell of St. Michaëll, where sometimes was a Coiledge, havinge a maister et confrates; but nowe it is taken as a free chappell. The Kinge giveth it. The buildinges of the house are sore decayed.

---

### No. III.—P. 29.

*Commission of the Peace for the Borough of Warwick,  
1 James I. A.D. 1605.*

JAMES, by the grace of God, of England, Scotland, and Ireland King, Defender of the Faith, and so forth, To our well-beloved and faithful counsellors, Thomas Egerton, Knight, Lord Keeper of the Great Seal, Thomas Lord Buchurst, Lord Treasurer of England, and to our beloved and faithful the Bailiff of the Boro' of Warwick for the time being, the Recorder of the same Borough of Warwick for the time being, William Foster, William Spicer, John Greene, and John Townshende, gentlemen, sendeth greeting: ~~knowe~~ ye, that we have assigned you, jointly and severally, and each of you, our justices to keep our peace within the said Borough of Warwick aforesaid and the precincts and liberties thereof, and to keep and cause to be kept all ordinances and statutes ordained for the good of our peace, and for



the preservation of the same, and for the peaceable ordering and government of our people, in all and singular the articles within the Borough aforesaid, the precincts and liberties thereof, as well within liberties as without, according to the force, form, and effect thereof, and to chastise and punish all delinquents against the form, ordinances, or statutes thereof, or any of them, within the Borough aforesaid, the precincts and liberties of the same, as ought to be done according to the form, statutes, and ordinances thereof; and to bring before you, or some one of you, all persons who shall threaten any one or more of our people with bodily harm or burning of their houses, to give good security to keep the peace, and for the good behaviour of themselves towards us and our subjects; and if they should refuse to give such security, then to cause them to be kept in our prison until they shall have found such security: We have also assigned you, and any two or more of you (of whom our Lord Keeper of the Great Seal of England, our Lord Treasurer of England, the Bailiff of the Borough aforesaid for the time being, the Recorder for the same Borough for the time being, William Foster and William Spycer, we will to be one) our justices to inquire, by the oath of good and lawful men of the Borough aforesaid, the precincts and liberties thereof, by whom the truth of the matter shall better appear of all such kinds of felonies, witchcrafts, enchantments, sorceries, magic, trespasses, forestallings, regratings, ingrossings, and extortions whatsoever, and all and singular frauds and offences whatsoever, concerning which the justices of our peace can or ought to inquire of, by whomsoever or howsoever done or perpetrated, within the Borough aforesaid, the liberties and precincts thereof, or which may hereafter happen to be there done or attempted; and also of all those who go or ride, or shall hereafter presume to go or ride armed in small parties within the Borough aforesaid, the precincts and liberties thereof, against our peace, and to the terror of our people; and also of all such as lie concealed, or shall hereafter presume to lie concealed, for the purpose of maiming or killing any of our subjects; and also concerning innkeepers, and all and singular

other persons who have transgressed or attempted to transgress in the abuse of weights or measures, or in the sale of provisions contrary to the forms, statutes, and ordinances, or any of them, made for the common good of our said kingdom of England and of our subjects thereof, or who shall hereafter presume to transgress, or to attempt so to do, within the Borough aforesaid and the precincts and liberties thereof; and also concerning all sheriffs, bailiffs, seneschalls, constables, gaolers, and other officers who shall have behaved themselves improperly in the execution of our offices about the premises, or any of them, or who shall presume hereafter to behave themselves improperly, or shall have been slack, remiss, or negligent, or shall happen hereafter so to be within the Borough aforesaid and the precincts and liberties thereof; and concerning all and singular articles, circumstances, and other things whatsoever, by whomsoever or howsoever done or perpetrated within the Borough aforesaid, the precincts and liberties thereof, or which shall hereafter happen to be done or attempted there, of what sort soever, concerning the full execution of the premises, or of any of them; and to inspect all judgments whatsoever, as well those taken or to be taken before you or any of you, as done, taken, and not yet finished before any our late justices of the peace within the Borough aforesaid, the precincts and liberties thereof; and to issue and continue thenceforth against all and singular the persons so condemned, or those who shall hereafter happen to be condemned before you, until they are taken or surrender themselves or be outlawed; and to hear and determine all and singular felonies, witchcrafts, incantations, sorceries, arts magic, trespasses, forestallings, regratings, and ingrossings, extortions, unlawful meetings, and judgments aforesaid, and all and singular the premises, according to the laws and customs of our kingdom of England, as in such case ought and has been accustomed, and to punish and chastise such delinquents, and every of them, for their respective offences, by fines, ransoms, amerciaments, forfeitures, or in any other manner as hath been used or accustomed according to the laws and customs of our kingdom of England and the form of the statutes



and ordinances aforesaid: **Provided always**, that if any case of difficulty in determining any of the premises shall happen to come before you or any two or more of you, then you shall by no means proceed to such determination before yourselves or any two of you, unless in the presence of one of our justices of one or the other bench, or one of our justices assigned to take the assise in our said County of Warwick ; and therefore we command you and each of you, that you diligently apply yourselves to the keeping of the ordinances, statutes, and all and singular the premises aforesaid, and at certain days and places which you or any two of you shall as aforesaid appoint for that purpose, ye shall make enquiry of the premises, and hear and determine all and singular the premises aforesaid ; and that ye do and perform all these things in the form aforesaid, henceforth administering justice according to the laws and customs of our kingdom of England, saving to us amerciements ; for we command by the tenor of these presents the clerk of the mace of the Borough of Warwick aforesaid for the time being, at certain days and times which you or any two or more of you shall as aforesaid appoint, that ye cause to come before you or any two or more of you, as aforesaid, such and so many good and lawful men of the Borough aforesaid, the precincts and liberties thereof, as well within liberties as without, before whom the truth of the premises may better appear and be inquired into. We have, moreover, assigned you the Recorder of the Borough aforesaid for the time being Keeper of the Rolls of our peace within the Borough aforesaid, the precincts and liberties thereof ; and also that you, at the days and times aforesaid, bring before you and your companions all the writs, precepts, processes, and judgments aforesaid, that they may be inspected and in due manner be determined as aforesaid. **In testimony** whereof we have caused these our letters to be made patent. Witness ourselves at Westminster, the twenty-sixth day of April in the first year of our reign in the kingdom of England, France, and Ireland, and in Scotland the thirty-sixth.

TOPPIN.

## No. IV.—P. 98.

*Index to the Black Book of the Corporation of Warwick.*

## CONTENTS OF THIS VOLUME.

	PAGE.
The Oath of the principal Burgess . . . . .	1
The Situations of the Marketts . . . . .	1
Orders that Bakers shall not carry bread out of the Borough . . . . .	8
Limitation of Baliffs intertainments . . . . .	9
Rd. Roe elected Baliff . . . . .	11
Baliffs Accounts . . . . .	12
Presentation of Chadsley to Mr. Tho. Lawley, 1565 . . . . .	13
Leases of Guild Ground grant'd . . . . .	13
Request of Wm. Hylle to be excus'd serving the Office of Baliff . . . . .	14
3 of the Burgesses resign . . . . .	14
Rd. Fisher chose Baliff, 1565 . . . . .	14
Sir R. Throckmorton's Bond for Payment of 10 <i>l.</i> to the Corporation, and their Bond to him for pricking the Baliffs cancell'd . . . . .	14
Election of the 24 . . . . .	15
Sir Wm. Wigston, Recorder, hears the Complaints of the Corporation . . . . .	16
The Corporation confirm Leases to Jno. Gower, for Ve- nison, &c. Surrender of Advowson of Stone . . . . .	18
The Lease so confirmed of Stone . . . . .	19
The Bond for the Venison . . . . .	20
Agnes Grant dismiss'd the Town . . . . .	22
A Lease of Tythes to Jno. Fisher . . . . .	22
Do. of the Charnel-house and Church-yard . . . . .	22
Fisher called Hawkins . . . . .	23
Ordinances of the Butchers . . . . .	29
Sheriff's Precept for electing Members, 1570 . . . . .	31
Lord Warwick's Letter recommending Mr. Aylionby . . . . .	32
Mr. Aylionby and John Fisher chosen . . . . .	32
Lord Leicester obtains an Act to build Hospital . . . . .	32
Lord Leicester's reception to celebrate St. Michael . . . . .	33
Corporation give the Guild to Lord Leicester . . . . .	39
The Shire Hall given to the Corporation . . . . .	41
Marquiss of Northampton's Burial . . . . .	44
Green interrogates the Corporation of divers matters . . . . .	47
The Deed of Gift to Lord Leicester of the Hospital . . . . .	50
Poyntmakers, Glovers, &c. Ordinance . . . . .	52



	PAGE
Walkers and Dyers ditto . . . . .	54
Mr. Aylionby, Recorder . . . . .	56
Bakers Ordinances, 1573 . . . . .	59
Advowson of Chadsley and Stone granted . . . . .	63
Tho. Dudley and Jno. Fisher return'd Members, 1572 . .	64
Queen Elizabeth came to Warwick, 1572 . . . . .	65
Jno. Fisher desireth to resign his Offices . . . . .	71
Richard Fisher is the Brother of John . . . . .	72
Plate sold to discharge Debts . . . . .	74
The renew'd Patent of Stewardship made to Jno. Fisher	74
Oken's Plate deliver'd to the Baliff . . . . .	74
Humphrey Crane the Baliff diligent in Office. . . . .	75
A 2d Company desired . . . . .	75
Their Duty . . . . .	76
Requests of the Common Council to the Corporation . .	77
Answer to ditto . . . . .	78
Drapers and Taylors Book . . . . .	83
Covenants between Mr. Willington and the Corporation for distribution of Charity . . . . .	90
Covenant between the Dean and Chapter and Jno. Key .	91
Request in behalf of Jno. Speed . . . . .	92
Rd. Taylor desires 200 <i>l.</i> to be lent him . . . . .	93
An Article in the Book of Orders altered . . . . .	98
Thomas Fisher Brother to Richard and John . . . . .	99
Mercers, Grocers, Fishmongers, &c. Book . . . . .	100
Circumstances attending the delivery of Mr. Oken's money to Stratford . . . . .	102
Covenants between Warwick and Stratford for ditto . . .	104
Letters to Banbury about ditto . . . . .	105
Tenor of Oken's Feoffment . . . . .	112
His last Will . . . . .	117
His death and circumstances attending it . . . . .	120
A principal Burgess committed to ward . . . . .	131
Queen Elizabeth at Kenelworth . . . . .	131
Additions made to the Drapers and Tailors Book . . . .	132
Lord Warwick's Letter to remove Wedgewood . . . . .	133
Lord Leicester's Letter to the Corporation, 1578 . . . .	134
Answer to Ditto . . . . .	135
The Corporation obtain the Shire-Hall, Cross Tavern, and St. Peter's Chapel of Lords Leicester and Warwick . .	139
Conference between ditto, Lords, and Jno. Fisher . . . .	139
Troubles between Brooks, Ray, and the Town . . . . .	141
A Commission of Rebellion against Brooks . . . . .	141
Riots concerning Myton Tythes . . . . .	166
Oken's Feoffees, 1604, and Mr. Toolley's . . . . .	171

	PAGE.
Mr. Toolley's Feofment .....	172
Purport of several letters from Lords Leicester and Warwick .....	178
John Fisher lived at the Swan.....	180
Lord Warwick's Letter about unemployed Money .....	181
Letter from Sir F. Greville, &c. ....	185
Lease of Budbroke to Mr. Beynham .....	188
Do. of Land and Tenement at Radford .....	189
Disputes with T. Stanton about Tythes there.....	190
Lease of Lands at Ilmingdon .....	192
Do. of Close in Hatton and Norton .....	193
Note of Lands belonging to the Guild .....	194
A Composition between the D. of St. Marys and the Vicar of Budbroke .....	195
Charter of Robt. Curly .....	195
Brooks putt out of the Office of Burgess .....	197
Election of Bailiffs, &c.....	203
Do. of Recorder. Lord Warwick's Letter .....	205
Election of Sert. Pickering, Recorder.....	206
John Fisher writer of the Book .....	209
Disputes respecting the Election of the Bailif and the principal Burgesses .....	208
Examination and Opinion of two Lawyers upon the Charter .....	209
Order of Chancery upon Motion of Mr. Sergeant Pickering about imploying money .....	211
The Corporation's account of the application .....	212
Order of Chancery to dismiss the Suit .....	212
Lord Leicester and Warwick's Letter concerning the Election of principal Burgesses .....	213
Opinion of Lawyers touching Election .....	213
Contest in the Election .....	213
A Supplication to Lord Leicester .....	215
Lord Warwick's Letter to Corporation .....	215
Opinion of certain Lawyers touching Election of Bailif ..	216
Arbitration Bond to Corporation .....	217
The Will of Thos. Aylworth .....	219
The Grant of Wm. Vinor to the Free School.....	220
Proceedings in Chancery at the suit of Thos. Olney....	231
Disputes between Mr. Thos. Hall, Vicar of St. Mary's, and Corporation .....	237
Richd. Fisher chose Bailif .....	238
John Dyche resigns his Office of P. Burgess.....	238
Henry Chaplin chose P. Burgess.....	238
Lord Warwick's Letter respecting Mr. Dudly .....	239
Contest between Mr. Dudly and Mr. Throckmorton....	240



	PAGE.
Names of the Tenants of the disparked Lands of Wedgenock, with their Payments in lieu of Tythes . . . . .	243
A Note made, 1598, of the Leases granted by the Corporation . . . . .	244
Lease of Land in Bewshal, by the Mayor and Brethren of the Gild . . . . .	245
Nicholas Rothwell's Will, &c. . . . .	222
Origine of Mr. Ifler, and Patent of Denization . . . . .	276
Nichs. Ifler's Will . . . . .	277
Mr. Griffin's Feofment . . . . .	278
Mr. Griffin's Will . . . . .	279
Feofment of Meakin's Close by Ifler's Trustees, 10s. to the Poor . . . . .	281
Feofment of Ifler's Trustees of the House in Jury Street to charitable purposes . . . . .	283
Feofment of Ifler's Trustees of the Barn and Garden on back Hills for an Hospital for 4 poor Maidens . . . . .	285
Edgeworth Will . . . . .	288
Riehd. Venour's Will . . . . .	289
James Smith of Sherborne's Will . . . . .	289
Deed respecting Edgeworth Gift . . . . .	290
Mr. Aylworth's Will . . . . .	291
Lady Cath. Leveson's Codicil . . . . .	293
Sir Wm. Jones, Att. Gen., his Opinion upon the Charters of Warwick . . . . .	301
Doctor Hodges appointed Leeturer of St. Mary's, 1708 . . . . .	315
Rel. of 4 houses in West Street, and 4 houses in Saltford, late Pickerings . . . . .	316
Heath's Will . . . . .	324

---

## No. V.—P. 96.

### *Note of the Fees of Search and Transcript in the Rolls Chapel.*

THE Keeper of the Records takes care of the records in the Chapel at the Rolls; he makes annual indexes or calendars of them, as they are brought to the Chapel: he attends and produces such indexes and records to those who are desirous of making searches, or of read-

ing the records themselves : he makes copies and exemplifications of them when required : he attends the two Houses of Parliament or their Committees, and the Courts of Judicature, with the rolls, when required.—

His fees are—

	£.	s.	d.
Search of the calendar book for every year - - - - -	0	1	0
Copy of all records in the Chapel of the Rolls, for every sheet containing fifteen lines and six words in each line	0	0	8
Re-examination of every copy written out of the records in the Rolls, each sheet - - - - -	0	0	1
Clerk's hand to each copy - - -	0	2	0
Attendance with every record out of the Rolls by order - - - - -	1	0	0

Where parties, desirous of making searches, are unprovided with the necessary heads for reference, and are uncertain to what number of years the search might extend, the fee is in such cases frequently compounded for at the sum of *Five Guineas*, at which cost therefore the whole indexes may be searched for the local records of any place.

## No. VI.

*Seal of the Borough of Warwick.—MSS. Harl. No. 1167, fo. 60.*

THE wood-cut trick of the Common Seal of the Borough of Warwick in the title page is copied from an heraldic manuscript book in folio, in the Harleian MSS., No. 1167, entitled—"The Visitation of the County of Warwick ; taken anno 1619 by Sampson Lennard Blew-mantle and Augustine Vincent Rouge-Rose, being Marshalls and deputies for William Camden Clarentiux King of Armes." Though this volume is not the original yet much of it is in the hand writing of Lennard, and the corporation seals are tricked by the same painter who rode with him to this and other visitations, and



tricked them in the original papers. The following paragraph is copied from the foot of the seal.

“ This is the Seale of the Borough of Warwick, first incorporated in the 37 yeare of king Henry the 8 by the name only of Burgesses of the Towne of Warwicke, and since, a° 1 et 2 Phil. et Mariæ, reincorporated by the name of Bailiffe and Burgesses of the saide Borough of Warwicke, and enabled w<sup>th</sup> divers great and large privileges, as (amonge manie other) to be a free Borough,—to plead and be impleaded,—to have a common seale,—to have twelve Assistantes, besides twelve principall Burgesses,—to have power to make lawes and ordinances for the more benefit of the said Borough,—to have a Recorder, Sergiant at Mace, and Clerke of the Market,—to have power to choose and elect a new Bailiffe, Burgesses, and Recorder,—that the Bailiffe, Recorder, and two of the auncientest Burgesses shalbe Justices of the Peace and Quorum w<sup>th</sup>in the said Borough, and no other justices to intromit,—to have power to punish the Bailiffe refusinge to hold upon election,—together w<sup>th</sup> many other wholsome immunities then and since by o<sup>r</sup> soveraigne lord King James that now is granted and confirmed : and at the time of this present visitacion, *videlicet* 28 Augusti a° 1619, Edward Sanders, gent. was Bailiffe, John Townesend, Ralph Townesend, John Rugeley, Alexander Rogers, William Roe, Richard Lee, Thomas Shakespeare, Alexander Dungan, William Hopkins, Michaell Hariott, Thomas Chaunders, and Richard Yardley, gentlemen, principall Burgesses, John Norton, gent. Steward and Deputie Recorder, and Sir Foulk Grevill, Kt. Recorder.”

## No. VII.—P. 98.

*List of the Harleian Manuscripts in the British Museum, relating to the Town, Castle, County, and Earls of Warwick.*

Number. F.

60. 57. Codex Membranaceus in 4to ampliori, quo continentur, Taxatio Spiritualium & Temporalium Cleri, infra Diocesim London, circa A.D. 1291. Fratrum Hospitalis de Warwyk.
71. 1. Survey of Castles in Warwicke, &c.
311. 28. Ex Chronicis MS. Johannis Rossi alias Rous Warwicensis, in Bibliotheca Cottoniana (A.D. 1638) collectanea quædam de temp. Guliel. I.
374. 13. Letter from Joan Foster to her Father Mr. J. Stowe, dated from Warwicke (3. Dec. 1580) desiring him to seek out for the Foundation of the Hospital of Warwicke by the Earls of the same, for Mr. Oliver Brooke her friend the Owner (or Master) thereof. At the bottom Mr. Stowe has put down some small notes touching the same.
259. 23. List of Sheriffs, Com. Warwic. & Leicestr. ab anno 1 R. Hen. II. usq. ad annum 4 R. Caroli I.
433. 1819. Letre to the Stewarde, &c. of the Lordship of Warrwike, lating them wit that the King hath given unto Henry Smythe oone of the Gentilmen of the Chapelle a Tenement within the said Towne, during the nonne-age of the Erle of Warrewike.
506. 37. Extracts. Ex Libro Ecclesiæ Collegiatæ B. Mariæ Warwic.
525. 341. Speculum Gydonis de Warrewyke, secundum Alquinum Heremitam.—a Theological Poem.
566. Præcedents of Barronyes by Wrytte, descendinge with the Lands to the heirs males and not to the heirs females.—Baronny of Warwike, &c.
433. 745. To William Selby, a Confirmation of the Portership of the Castel of Warwike, &c. during the non-nage of the Duc of Clarence (*i. e.* of Edward Plantagenet Earl of Warwick, son to George last Duke of Clarence) with other emoluments.



Number. F.

433. 1491. Warrant for payment to Nicholas Spicer £28, 10s. by him delivered to the King's use, as follows in the MS. Youen at the Castelle of Warrewyke the 9th day of Aug. an. prim. [Edw. V. vel Ric. III.]
1544. Grant of the Office of Armourer within the Castelle of Warrewyke to William Wynter. Youen at Pountfret 24. Sept. a° prim.
1289. John Hugforde hath the Advouson of the Prebende of St. James within the Church Collegiat of Warrewike.
433. 1415. Mr. Ric. Brakynburghe hath the Denry of the Collegiate Church of Warwike by the resignation of Mr. Albone.
785. 20. Forms of Deeds, &c. of Ambrose Dudley Earl of Warwick, Ann Countess of Pembroke, &c.
1026. 10-11. Liber Micellaneorum, 1633. Notes by a Mr. Justinian Pagitt.—Remarkable things which I observed in my journey thro' Warwickshire, &c.
1100. 3. Trick of the Seal of the Borough of Warwick by Mr. John Saunders; from Camden, 1619.
1167. Ditto, Lennard.
1300. 8. Coronation of K. Richard II.—“ Thomas Beauchampe Erle of Warwick, cleamed to beare the Thirde Sworde.”
1370. 8. Armes of the Towne of Warwicke.
2044. 19. Collectanea ex Libro Ecclesiæ Collegiatæ B. Mariæ de Warwici.
2113. 34. Armes in Blason of some antient Warwickshire Families, received from Nicolas Ifler, Dutche-man and Glaziar of Warwick, 12 March 1588.
2044. 21. Collectanea ex Chartis Edwardi Aston de Tixhall in Com. Stafford.
- Divers of these relate to persons and places in Warwickshire.
2262. 130. Docquet of the Presentation of Moses Hodges, D. D. to the Vicarage of St. Maries in Warwick, sealed 26 Jan. 1705-6.
3868. H. Earl of Warwick's grant of Compton Church to the College of St. Mary's Warw.
5804. 1. Several things relating to the Co. of Warwick.

Number. F.

6075. In a paper book, see Ecclesiastical revenues of the County of Warwick, &c.

6082-5. Warwici Comites, &c.

6586-9. Ditto.

6839. 60. Account of the dreadful Fire at Warwick, Sept. 5. 1694.

7505. 2. An Inventory of the Goods of the Collegiate Church of Warwick, May 21, 1691.

7. Ancient Deeds copied at Warwick.

7505. 8. Copy of an Inspeximus to which the Broad seal of Henry VI. was annexed.

6. Value of the Rectorys.—Valor terrar' et teñtor' fynar' et rectoriar' appa' Decano et Capitulo eccliaë Colleg. beate Marie Warr. &c. Copied from the original by Mr. Wanley.

6839. 2. Gifts to the Poor of Coventry, yearly. 1675.

160. 30. Original letter of Robt. Earl of Warwick to Sir Simon D'Ewes touching his Petition to be heard in the House of Commons, 28 March, 1642.

744. See Index of Incorporation of Towns.

1104. The manner of creating Robt. Dudley Baron Denbigh by Queen Elizabeth.

## No. VIII.

### *Supplemental Appendix to Report from Select Committee on Poor-Rate Returns.*

#### WARWICK BOROUGH.

Years ending 25th March.	St. Mary.					St. Nicholas.				
	£ s.					£ s.				
1816 - - - - -	2615	14	-	-	-	1326	0	-	-	-
1817 - - - - -	3241	13	-	-	-	1115	16	-	-	-
1818 - - - - -	3416	6	-	-	-	1179	7	-	-	-
1819 - - - - -	3267	4	-	-	-	1100	13	-	-	-
1820 - - - - -	2941	11	-	-	-	1271	4	-	-	-
1821 - - - - -	3521	6	-	-	-	1222	0	-	-	-



## No. IX.

*Abstracts of the Answers and Returns to the Population Act.*

PARISH, TOWNSHIP, OR EXTRA-PAROCIAL PLACE.	HOUSES:				OCCUPATIONS:			PERSONS:		
	Inhabited.	By how many Families occu- pied.	Buildings.	Uninhabited.	Chiefly employ- ed in Agricul- ture. Persons.	Chiefly employ- ed in Trade, Ma- nufactures, or Handicraft. Persons.	Not comprised in the two pre- ceding classes. Person.	Males.	Females.	Total of Per- sons.
41 Geo. III. 1801.	WARWICK BOROUGH.									
	Mary, St. - - - Parish	822	—	24	40	739	3389	1954	2214	4168
	Moreton Morrell - Parish	47	—	2	31	4	148	90	93	183
	Nicholas, St. - - - Parish	273	—	3	116	129	4	665	759	1424
51 Geo. III. 1811.	WARWICK BOROUGH.									
	Mary, St. - - - Parish	1059	8	14	70	591	398	2272	2681	4953
	Nicholas, St. - - - Parish	376	3	7	49	176	151	740	804	1544
		1435	11	21	119	767	549	3012	3485	6497
1 Geo. IV. 1821.	WARWICK BOROUGH.									
	Mary, St. - - - Parish	1268	9	41	36	777	455	2972	3131	6103
	Nicholas, St. - - - Parish	492	5	12	59	249	184	1047	1085	2132
		1760	14	53	95	1026	639	4019	4216	8235

## No. X.

*A List of the Public and Private Charities, Donors' names, date and description of Charity, in the Parishes of St. Mary and St. Nicholas in Warwick, in the administration of the Corporation and other Trusts.*

## WARWICK BOROUGH.

## ST. MARY.

Name of Person who gave the Charity.	When given.	By Will or Deed.	Description of Charity, and for what purposes given.	In Land or Money.
Sir Thomas White	1551	Will	To be lent to young tradesmen of Warwick, at 50%. each for 9 years, free of interest	Money.
John Toolie . . . . .	1553	Do.	To the poor of Warwick . . . .	Land.
Thomas Oken . . .	1570	Deed	For teaching poor children, repairing the highways, and for other purposes, for this borough . . . . .	} Land and Houses.
Earl of Leicester .	1586	Act Parl.	For a master and twelve poor brethren from Warwick, Kenilworth, Stratford-upon-Avon, Wootton-under-Edge, and Erlingham alternately . . . . .	
Richard Griffin . .	1592	Deed	For clothing for the poor of Warwick, and 10s. for a sermon . . . . .	Ditto.
Nicholas Ilfor . . .	1593	Will	For the residence, clothing, firing, and in money to four poor women . . . . .	} Land and House.
John Smith . . . . .	1624	Do.	For clothing ten poor . . . . .	
Ditto . . . . .	Do.	Do.	For bread and shoes to the poor of Warwick . . . . .	Ditto.
John Price. . . . .	1625	Do.	To the poor of ditto not receiving parish relief . . . . .	House.
Richard Edgworth	1645	Do.	To the poor of ditto, and for two sermons . . . . .	Rent-charge.
Sir Thomas } Puckering }	1655	Do.	For the habitations of 16 poor women, and for the endowment of the same . . . . .	} 8 Houses. Rent-char.
Ditto . . . . .	Do.	Do.	For the residence of poor tradesmen, and to take apprentices in.—For want of such tradesmen, the trustees have let the houses and apply the rents for apprenticing poor children . .	
Jane Turville . . .	1658	Do.	For cloth to 4 poor men and 8 poor women of Warwick .	Rent-charge.
Thomas Aylworth	1660	Will	For gowns and bread to the poor of Castle Ward . . . . .	Land.
John Yardley . . .	1702	Do.	For habitations for four poor women . . . . .	Almshouse.



## ST. MARY—(Continued.)

Name of Person who gave the Charity.	When given.	By Will or Deed.	Description of Charity, and for what purposes given.	In Land or Money.
Robert Heath . . .	1684	Will	For apprenticing one poor boy of Warwick . . . . .	Rent-charge.
Sir Thos. Wheatley	1695	Do.	To 4 poor tradesmen of ditto	Ditto.
The Corporation .	1695	Gift	For the residence of 28 poor	House.
John Hadley . . .	1702	Will	For apprenticing poor children of Warwick . . . . .	Money.
Richard Grimes . .	1710	Do.	For bread to the poor 10s., and for three cloth coats for ditto 40s. . . . .	Rent-charge.
Richard Vennor . .	1712	Do.	To the poor . . . . .	Ditto.
Jos. Blissett . . . .	1713	Do.	For bread to eight poor housekeepers . . . . .	Ditto.
Hon. Sarah } . . . .	1719	Do.	For clothing and teaching poor children . . . . .	Money.
Greville } . . . .				
George Webb . . . .	1722	Do.	For apprenticing poor children, and for other purposes	Land.
Alderman Lane . .	1723	Do.	For apprenticing one poor boy of either parish, and assisting them to set up in their respective trades . . .	Rent-charge.
Matthew Busby . .	1723	Do.	For bread to the poor, and for apprenticing poor children	House.
Sir Thomas Delves	1727	Do.	For clothing and apprenticing poor children, and for clothing and relief to the poor not receiving parish relief . . . . .	Money.
Jane Tompkys . .	1729	Do.	To the poor of Warwick . .	Ditto.
Nicholas Rothwell	1729	Do.	For bread and beef to the poor	Land.
Ann Johnston . . .	1732	Do.	For apprenticing poor children, assisting them to set up in their respective trades; and to the poor of Warwick . . . . .	Land and Houses.
Fulk Weale . . . . .	1729	Do.	For clothing and teaching poor children . . . . .	
Henry the VIIIth.	17 Car. I.	Deed	For bread to the poor . . . . .	Rent-charge.
Henry Archer . . .	1768	Will	For coals to the poor . . . . .	Land and Houses.
Earl of Warwick .	1769	Gift	For the purpose of selling coals to the poor at reduced prices (the interest) . . . . .	
Mrs. Hammond . .	1778	Will	To six poor widows . . . . .	Money.
Hon. Mr. Greville	1783	Gift	In addition to the fund for purchasing coals for the poor . . . . .	Ditto.
William Viner . . .	1693	Deed	To the master and assistant of King's School, and during the neglect of their duty, to poor householders of Warwick . . . . .	Ditto.
Mrs. Turville . . . .	1667	Unkn.	For linen to the poor . . . . .	Rent-charge.
A Countess of } Devonshire . }	Unkn.	Do.	To the poor . . . . .	Money.
John and Joan } Stanton . . . . }	Do.	Do.	For gowns to the poor in West-street Ward . . . . .	Unknown.
				Money.

## ST. MARY—(Continued.)

Name of Person who gave the Charity.	When given.	By Will or Deed.	Description of Charity, and for what purposes given.	In Land or Money.
Unknown.....	Do.	Unkn	To the poor of Salisford Ward	Ditto.
Ditto .....	Do.	Do.	Ditto .....	Rent-charge.
George Weale ...	Do.	Do.	For bread to the poor of W.	Ditto.
Lady Guildford..	1701	Do.	For cloathing and teaching poor children of ditto ....	Money.
Hon. John Smith	1704	Do.	For apprenticing one poor boy of ditto .....	Ditto.
Nicholas Ifler ...	1793	Will	To the poor .....	Rent-charge.

## MORETON MORRELL.

Rev. Thos. Har- } bidge .....	1769	Will	For teaching four poor children .....	Money.
Edward Slade ...	.....	Do.	For bread to the poor .....	Ditto.

## ST. NICHOLAS.

Sir Thomas White	1551	Will		
John Toolie .....	1553	Do.		
Thomas Oaken ..	1570	Deed		
Earl of Leicester.	1586	Act Parl.		
Richard Griffin ..	1592	Deed		
John Smith .....	1624	Will		
Daniel Price .....	1625	Do.		
Henry Furnis....	1628	Do.	For bread to the poor .....	Rent-charge.
Thomas Owen ...	1643	Do.	To the poor .....	Land.
Richard Edgworth	1645	Do.		
Jane Turville....	1658	Deed		
Edmund Make- } peace, sen.... }	1693	Will	For bread to the poor .....	Rent-charge.
Edmund Make- } peace, jun.... }	1693	Do.	Ditto .....	Ditto.
Robert Heath ...	1684	Do.		
Sir Thos. Wheatly	1695	Do.		
John Hadley ....	1702	Do.		
Richard Grimes .	1710	.....	For clothes and bread to the poor.....	Rent-charge.
John Wilson ....	1693	.....	For clothes to the poor ....	House & Land
Hon. Sarah } Greville. } ....	1719	Do.	For clothing and teaching poor children.....	Money.
George Webb....	1722	Do.		
.....	1723	Do.		
Sir Thos. Delves .	1727	Do.	For clothing and apprenticing poor children, and for other charitable purposes .	Ditto.
Jane Tomkys....	1729	Do.		
Anne Johnstone .	1732	Do.		
Katharine Burton	1741	Do.	To twenty poor widows ....	Land.
Henry the VIIIth.	1749	Deed	For bread to the poor .....	Do. & Houses
Henry Archer ...	1768	Will	For selling coals to the poor at reduced prices .....	Money.
Earl of Warwick .	1768	Gift	Ditto .....	Ditto.
Martha Holyoake	1781	Will	For clothes and bread to the poor.....	Land.
Henry Harper ...	1781	Deed	For shoes to the poor .....	Ditto.
Hon. C. Greville .	1783	Gift	In addition to fund for purchasing coals for the poor	Money.
William Viner ...	1693	Deed		



THERE is an ancient Township of the name of WARWICK in Cumberland, four miles from Carlisle, which contained in 1811, 88 houses and 401 inhabitants.—See *Magna Britannia*, vol. iv. p. 164.—The Manor was given by Hubert de Vaux and Robert his son to Odard, first Lord of Corkby, whose posterity assumed the name of Warwick. Francis Warwick, Esq. the last heir male, died in 1772 without issue. Mr. Robert Bonner, then the only representative of the family in the female line (through the Maddison's), took the name in 1792, and is the present proprietor of the Warwick estate. The Arms of the family are—Azure, three lions rampant, argent. Crest: a dexter arm couped at the shoulder, in armour, holding in the gauntlet a battle-axe, all proper.

THE END.

